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THE  
**LEGISLATIVE ASSEMBLY DEBATES**

**(Official Report)**

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**Volume VII, 1934**

*(6th August to 22nd August, 1934)*

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**EIGHTH SESSION**

OF THE  
**FOURTH LEGISLATIVE ASSEMBLY,  
1934**



NEW DELHI  
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1934



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# Legislative Assembly.

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*Deputy President :*

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*Panel of Chairmen :*

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RAO BAHADUR M. C. RAJAH, M.L.A.

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*Secretary :*

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

*Assistant of the Secretary :*

RAI BAHADUR D. DUTT.

*Marshal :*

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

*Committee on Petitions :*

MR. ABDUL MATIN CHAUDHURY, M.L.A., *Chairman.*

MR. K. C. NEOGY, M.L.A.

SIR HARI SINGH GOUR, KT., M.L.A.

RAI BAHADUR KUNWAR RAGHUBIR SINGH, M.L.A.

MR. A. H. GHUZNAVI, M.L.A.

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## LEGISLATIVE ASSEMBLY.

*Monday, 6th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### TRANSFER OF THE RAILWAY MAIL SERVICE SORTERS FROM ALLAHABAD TO JUBBULPORE AND GAYA.

348. **\*Seth Liladhar Chaudhury** : (a) Is it a fact that the sorters of F2 and P15 sections of the R. M. S. Department have been transferred from Allahabad to Jubbulpore and Gaya respectively ?

(b) Is it a fact that these changes have been made against the wishes of the employees concerned ?

(c) Is it a fact that the employees of F2 and P15 sections are the permanent residents of Allahabad and the United Provinces, and these transfer orders have placed them in an awkward and embarrassing position ?

(d) Is it a fact that, despite the protest of the said employees, these changes have been made and in spite of their repeated representations, no provision has been made for the increase in their respective allowances, nor is any extra amount sanctioned for compensating them for their house-rent and transportation expenses ?

(e) Is it a fact that the transfers of these employees were ordered contrary to the terms of the agreement made with them at the time when they were employed in the service ?

(f) Are Government aware that the transfer of the United Provinces men to the Central Provinces will create a lot of inconveniences and difficulties to them in shifting their parental homes to a strange place and furthermore will create a great hindrance in the progress of the education of their children, who are at present prosecuting their studies in the United Provinces, and are not familiar with the curriculum of the Central Provinces schools ? If so, will Government please state what special provision in the salaries of the said employees they are prepared to make ?

(g) If the answer to part (f) be in the negative, are Government prepared to cancel the transfer orders of the said employees and allow them to work in the same manner as they are working at present ?

(h) Is it a fact that instead of giving an increase to the employees of F2 and P15 sections, a further reduction has been ordered in their pay and the future scale of payment ? If so, will Government be pleased to state the rule under which this has been done ?

**The Honourable Sir Frank Noyce :** (a) to (h) : Information has been called for, and a reply will be placed on the table of the House in due course.

#### SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

**349. \*Seth Liladhar Chaudhury :** Will Government be pleased to state whether the scheme of Provincial Service in the R. M. S. Department, which was introduced in 1920, has proved satisfactory both to the public and to Government ? If so, will Government be pleased to state how far this scheme has enabled them to make an economy in the expenditure ? If not, will Government be pleased to state whether they are prepared to revise their decision and to revert to the old system ?

**The Honourable Sir Frank Noyce :** By the term, " The scheme of Provincial Service in the Railway Mail Service Department ", it is presumed that the Honourable Member refers to the abolition of the separate Railway Mail Service Circles and the transfer of the administration of the Railway Mail Service to the heads of postal circles. No such scheme was introduced in 1920, though a scheme was considered in that year but was not adopted. It was, however, again taken up in 1926 as the result of a recommendation made by the Posts and Telegraphs Department Committee of 1924-25, and, the transfer of the control of the Railway Mail Service to the heads of postal circles was gradually completed during the years 1926 to 1929. The reasons for the change were chiefly administrative, although an economy in expenditure has also resulted. Government regret that they are not in a position to supply the exact figures as to the savings effected. They are, however, satisfied that substantial administrative and financial benefits have resulted and they do not propose to revise their decision or revert to the old system.

#### SCHEME OF PROVINCIAL SERVICE IN THE RAILWAY MAIL SERVICE.

**350. \*Seth Liladhar Chaudhury :** (a) Is it a fact that in spite of the Provincial Service scheme in operation the employees of the C27 and C28 sections of the Railway Mail Service are made to run through three Provinces, that is to say, they have to run from Howrah to Lucknow and *vice versa* and thus they have to pass through the provinces of Bengal, Bihar and Orissa and the United Provinces of Agra and Oudh ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what particular difficulty they experience in allowing the sorters of F2 and P15 sections to run from Allahabad to Jubbulpore and *vice versa* ?

(c) If the answer to part (a) be in the negative, and if Government are not prepared to accede to the request of the sorters of F2 and P15 sections, are Government prepared to open a new Record Office of F. Division at Allahabad on the same lines as the one already in existence at Jhansi, without incurring any extra expenditure according to the scheme submitted by the sorters of the said division in a memorial to the Post Master General, Nagpur, Enquiry Committee, Madras and Retrenchment Committee, New Delhi, in which the memorialists have submitted that a net saving of Rs. 5,000 per annum can be made by the Postal Department, if the authorities are prepared to abolish the Record Office at Jubbulpore and change it into a Sub-Record Office without discharging a single hand and facing any inconvenience in the efficiency of the work ?

**The Honourable Sir Frank Noyce :** (a) to (c). Information has been called for, and a reply will be laid on the table of the House in due course.

**MILEAGE ALLOWANCE TO THE TICKET CHECKING STAFF.**

**351. \*Khan Bahadur Haji Wajihuddin :** With reference to the reply to starred question No. 132 (a), (i), (ii) and (iii), dated the 16th February, 1934, regarding mileage allowance to the ticket checking staff, given in this House, will Government be pleased to state if a deviation from the Standing Rules of the administration is admissible on the Indian State Railways without an amendment of the said rules ?

**Mr. P. R. Rau :** The reply to this will depend on the nature of the rule in question. As regards the rule referred to in question No. 132, I have nothing to add to the reply given by me on the 16th February.

**ALLOWANCES OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

**352. \*Khan Bahadur Haji Wajihuddin :** Will Government be pleased to state the result of their enquiries in respect of starred question No. 133, parts (a) and (b), dated the 16th February, 1934, regarding allowances of the Travelling Ticket Inspectors on the East Indian Railway, and state why the mileage allowance of the old Travelling Ticket Inspectors has been compulsorily substituted by the consolidated allowance ?

**Mr. P. R. Rau :** The reply to parts (a) and (b) of starred question No. 133 has been laid on the table of the House.

Regarding the latter part of the question, I would again refer the Honourable Member to the reply given to Sardar Sant Singh's starred question No. 476, on the 4th September, 1933.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if the question of allowances has been finally decided ?

**Mr. P. R. Rau :** I think that certain memorials are at present under consideration.

**Mr. Lalchand Navalrai :** The Honourable Member has always been saying that they are under consideration ?

**Mr. P. R. Rau :** They are not always under consideration, Sir.

**Mr. Lalchand Navalrai :** May I now know from the Honourable Member when he can remove the anxiety of these men and when Government will say whether they are going to get back those allowances or not ?

**Mr. P. R. Rau :** I cannot remove the anxiety of these men and say definitely before considering the memorials whether they will get what-ever they were in receipt of.

**Mr. M. Maswood Ahmad :** Have Government received the replies from the Agents ?

**Mr. P. R. Rau :** Replies have been received recently.

### RULES FOR THE SUBMISSION OF MEMORIALS ON STATE RAILWAYS.

353. \*Khan Bahadur Haji Wajihuddin : With reference to the reply to unstarred question No. 141, parts (a) to (d), dated the 6th March, 1934, will Government be pleased to state, if there are no different rules regarding the submission of memorials on different State Railways, what the circumstances were under which the Agent, East Indian Railway, has been held competent to dispose of such memorials which, based on the same subject, were forwarded by the Agent, North Western Railway, to the Railway Board ?

Mr. P. R. Rau : Rules regarding the submission of memorials on the State-managed Railways are the same. But even though an Agent is empowered to deal finally with certain memorials, there is nothing to prevent him from forwarding such memorials to the Railway Board, if he wishes to do so.

### MEMORIALS REGARDING PAY AND ALLOWANCES OF RAILWAY EMPLOYEES.

354. \*Khan Bahadur Haji Wajihuddin : With reference to the reply to unstarred question No. 142, dated the 6th March, 1934, will Government be pleased to state if the case of the old Travelling Ticket Inspectors of the Accounts Department, on the East Indian Railway, who are now employed under the Operating Department under the Moody-Ward scheme of ticket checking, is not a class case and whether it is not a case under which the conditions of service, on which these men were engaged have been adversely affected in respect of emoluments, provident fund deductions, retiring gratuity and future prospects, etc. ?

Mr. P. R. Rau : The answer to the first part of the question is in the affirmative. As regards the second part, the *ex-Travelling Ticket Inspectors* were, on the abolition of their posts, offered other posts as an alternative to retrenchment, which they accepted. It is not, therefore, a case of alteration of conditions of service.

### MEMORIAL FROM THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

355. \*Khan Bahadur Haji Wajihuddin : With reference to the reply to unstarred question No. 142 (d), (f) and (g), dated the 6th March, 1934, and to the memorial from the Travelling Ticket Inspectors on the East Indian Railway, will Government be pleased to give a reply now to these questions ?

Mr. P. R. Rau : The memorial referred to is under consideration.

### INFORMATION PROMISED IN REPLY TO CERTAIN QUESTIONS ASKED IN THE LEGISLATIVE ASSEMBLY.

356. \*Khan Bahadur Haji Wajihuddin : Will Government be pleased to give a reply to the undernoted questions, promised to be given in due course :

Unstarred questions Nos. 212, 213, 214, 215 and 216, dated the 19th March, 1934 ; and No. 140, dated the 6th March, 1934; and starred questions Nos. 180, 181 and 182, dated the 21st February, 1934 ?

**Mr. P. R. Rau :** Replies to all, except one of the questions referred to by the Honourable Member, have been laid on the table of the House. Government are making further inquiries in regard to question No. 216.

**MODIFICATION IN THE MOODY-WARD SCHEME ON THE EAST INDIAN RAILWAY.**

**357. \*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if it is a fact that the East Indian Railway authorities are contemplating some modification in the present Moody-Ward scheme ?

(b) Is it a fact that reduction amongst Travelling Ticket Examiners is anticipated as a result of any modification ?

(c) Are Government prepared to issue instructions to the East Indian Railway authorities that in any such change the retention of Travelling Ticket Examiners should be strictly based according to seniority and as per recommendations of the Court of Enquiry and that no other factors should be allowed to govern the issue ?

**Mr. P. R. Rau :** I have called for certain information, and a reply will be laid on the table in due course.

**SAFEGUARDING OF THE INDIAN FILM INDUSTRY.**

**358. \*Mr. B. V. Jadhav :** (a) Have Government noticed the announcement in the Press that foreign producers of cine-films are going to produce their pictures in Indian vernaculars, in competition with Indian talkies ?

(b) If so, what steps do Government propose to take to safeguard the Indian film industry in the face of this competition ?

(c) What consideration have Government given to the suggestion of the Motion Picture Society of India to levy a protective duty of Rs. 3-8-0 per every foot of foreign film produced in Indian vernaculars ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) and (c). The suggestion of the Motion Picture Society of India on this subject is under examination.

**DEFINITION OF "MACHINERY" PERTAINING TO CINEMA INDUSTRY.**

**359. \*Mr. B. V. Jadhav :** Will Government be pleased to state the definition of the term "machinery" pertaining to the cinema industry as understood at present for customs purposes ?

**The Honourable Sir James Grigg :** There is no special definition of "machinery" pertaining to the cinema industry. Apparatus, or parts of apparatus, imported for the purposes of that as of any other industry are assessable under items 59A and 59D of the Import Tariff Schedules, if they satisfy the conditions laid down in those entries.

**Mr. B. V. Jadhav :** Is it a fact that the projectors were taxed at ten per cent. a few months ago, but that now they are taxed at 30 per cent ?

**The Honourable Sir James Grigg :** It is a question of interpretation of the items in the Tariff Schedule, as I have stated in my original answer.

**Mr. B. V. Jadhav :** Is it not a fact that the same machine was classified as machinery and taxed at ten per cent., while latterly it is now taxed at 30 per cent ?

**The Honourable Sir James Grigg :** It is a question of interpretation and of the precise nature of the machinery. I think what the Honourable Member has in mind is that we should apply *ex post facto* the criterion of what the machinery is used for. The tax must be based on the nature of the machinery in relation to the Tariff Schedules.

**Mr. B. V. Jadhav :** Is it not a fact that projectors are used as machinery ?

**The Honourable Sir James Grigg :** I should certainly think so.

**Mr. B. V. Jadhav :** Is it a fact that they were taxed at ten per cent. as machinery, and that they are taxed at 30 per cent. now ?

**The Honourable Sir James Grigg :** They can be used for other purposes as well as cinema purposes..

**Mr. S. C. Mitra :** Will Government consider the question of giving a rebate if they find that the projector has been used as machinery for the cinemas ?

**The Honourable Sir James Grigg :** No, Sir. As I said just now, I do not think Government can possibly apply *ex post facto* tests and revise customs duty in accordance with the use to which the machinery is put, once it has passed the customs.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I know when this change was introduced, by putting them under the category which brings them under 30 per cent. duty, while for many years they were put under the category of machinery and levied only ten per cent ? When was this change made by the customs authorities ?

**The Honourable Sir James Grigg :** There is no change at all. It is a question of the interpretation of the descriptions in the Tariff Schedules.

**Diwan Bahadur A. Ramaswami Mudaliar :** When was this new interpretation put ?

**The Honourable Sir James Grigg :** I do not admit that there was any new interpretation.

**Mr. Gaya Prasad Singh :** Is it not a fact that the projectors were charged at ten per cent. before ; and they are now charged at 30 per cent ?

**The Honourable Sir James Grigg :** It is a question of interpretation of the *items* in the Tariff Schedules. If the projectors satisfy one specification, they are charged at the lower rate. If they don't, they are charged at the higher rate.

**Mr. Vidya Sagar Pandya :** Is it after the financial difficulties of the Government of India increased that the new interpretation was put and 30 per cent. was charged instead of ten as formerly ?

**The Honourable Sir James Grigg :** I should not think so. I should not think that the difference was a vital element in the budgetary equilibrium of India.

**Diwan Bahadur A. Ramaswami Mudaliar :** Will the Honourable gentleman tell us from what date this new rate of duty is being enforced ?

**The Honourable Sir James Grigg :** I do not admit that there is a new rate. What I am contending is that the rates have been charged in accordance with the decisions as to which category the articles fall into.

**Mr. B. V. Jadhav :** It is a revised rate. From what date has this revised rate been enforced ?

**The Honourable Sir James Grigg :** I have already answered that question.

**Mr. T. N. Ramakrishna Reddi :** These projectors were originally charged ten per cent. Now they are charged 30 per cent. Does the Honourable Member deny that ?

**The Honourable Sir James Grigg :** The rates on the various items have been charged in accordance with the judgment arrived at by the Collectors of Customs as to which category they fall into.

**Diwan Bahadur A. Ramaswami Mudaliar :** From time to time ?

**The Honourable Sir James Grigg :** From time to time.

#### RECOMMENDATIONS OF THE INDIAN CINEMATOGRAPH COMMITTEE.

360. **\*Mr. B. V. Jadhav :** Will Government be pleased to state when they propose to take action on the recommendation of the Indian Cinematograph Committee (*vide* paragraph 208, page 98 of the report published in the year 1928) to make it "obligatory on all exhibitors to show at every exhibition a small percentage of educational films" for a period not exceeding 15 minutes and not less than 10 minutes ?

**Mr. G. S. Bajpai :** Consideration of the proposal of the Indian Cinematograph Committee, referred to by the Honourable Member, was dependent upon the constitution of a Central Cinema Bureau which was also recommended by the Committee. The scheme regarding the Bureau did not, however, find favour with most of the Local Governments and trade interests consulted and had to be dropped.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I suggest that a reference be made now to the Local Governments in view of the rate of development of this industry in recent times ?

**Mr. G. S. Bajpai :** I would convey that suggestion to the Department concerned. I am merely concerned with educational films.

#### MOTION PICTURE INDUSTRY OF INDIA.

361. **\*Mr. B. V. Jadhav :** Are Government prepared to consider the inclusion of the motion picture industry of India among the industries that will be treated by the Bureau of Industrial Intelligence and Research attached temporarily to the Indian Stores Department ?

**The Honourable Sir Frank Noyce :** The Government of India have not drawn up any detailed list of Industries to which the activities of



the proposed Bureau of Industrial Intelligence and Research will be confined. It will be sometime before a detailed scheme for the working of the new Bureau is formulated, but it will be open to 'the motion picture industry' to approach the Bureau when it starts to function for such assistance as it may be able to give.

#### FILM DEPARTMENT OF THE RAILWAY PUBLICITY BUREAU.

362. \*Mr. B. V. Jadhav : Will Government be pleased to state whether the Film Department of the Railway Publicity Bureau is functioning ? If not, how long did it function ? How many films have they produced, and how much money have they spent on the production of the films ?

Mr. P. R. Rau : The reply to the first part of the question is in the negative. The work of production of cinema films was undertaken from 1927 to 1931. The total number of films produced was 101 and the cost of their production was Rs. 3,19,071.

Mr. B. V. Jadhav : Is it not very high cost ?

#### SELECTION BOARDS OF THE OPERATING AND COMMERCIAL DEPARTMENTS OF THE EAST INDIAN RAILWAY.

363. \*Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government please state the date from which Selection Boards have been functioning on the Operating and Commercial Departments of the East Indian Railway ?

(b) Are substantive promotions to selection post or posts in special grades made on the recommendations of the Selection Boards only and not according to the choice of a single officer ?

(c) Is the same principle observed when making officiating appointments to vacancies in the special grades or selection posts ?

(d) If the reply to part (c) be in the negative, will Government please state the guiding principle observed in connection with such officiating arrangements ?

Mr. P. R. Rau : With your permission, Sir, I shall reply to this and the next question together. I have called for information, and will lay a reply on the table of the House in due course.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he knows whether these Selection Boards consist of officials only or of non-officials also ?

Mr. P. R. Rau : I do not think they would normally contain non-officials.

Mr. Lalchand Navalrai : Will you please make an inquiry about that ?

Mr. P. R. Rau : I do not see any reason why non-officials should be on these Selection Boards.

**PROMOTIONS IN THE COMMERCIAL DEPARTMENT OF THE EAST INDIAN RAILWAY.**

†364. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Will Government please state the principle and the procedure prescribed when making substantive promotions to posts in the category of "Special Grades" in the Commercial Department of the East Indian Railway?

(b) Is the same procedure followed when making officiating appointments to these posts?

(c) If the reply to part (b) be in the negative, will Government please state the procedure that should be observed?

**ABSENCE OF MUSLIM STENOGRAPHERS IN CERTAIN GOVERNMENT OF INDIA DEPARTMENTS.**

365. \***Maulvi Sayyid Murtuza Saheb Bahadur** : (a) Is it a fact that permanent Muslim stenographers are conspicuous by their absence in the following departments of the Government of India :

- (i) Home,
- (ii) Finance,
- (iii) Commerce,
- (iv) Legislative Department,
- (v) Legislative Assembly Department, and
- (vi) Army Department,

and that there is only one stenographer out of a cadre of six or seven stenographers in the Department of Education, Health and Lands, and that the same is the case in the Foreign and Political Department?

(b) Will Government please state if their attention was ever invited to the paucity of Muslim stenographers in the Government of India Secretariat and to the injustice thus done to Muslims? If so, will Government kindly state why no steps were taken to increase the number of Muslim stenographers in the Government of India Secretariat?

**The Honourable Sir Henry Craik** : (a) There are no Muslim stenographers in the Finance, Commerce, Legislative and Legislative Assembly Departments, but there is one in the Home Department, (at present on deputation elsewhere), and one in the Army Department. Of five permanent stenographers in the Education, Health and Lands Department one is a Muslim, and in the Foreign and Political Department one of six is a Muslim.

(b) The attention of the Government has been drawn to the desirability of appointing Muslims to stenographers' posts. Government always consider the claims of qualified Muslims, but it must be remembered that vacancies in this grade are not of frequent occurrence.

**Maulvi Sayyid Murtuza Saheb Bahadur** : Am I to understand that there are no qualified Muslims even in the Provinces—in which case Government may, I hope, be pleased to have them drafted therefrom to the Government of India offices?

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†For answer to this question, see answer to question No. 363.

**The Honourable Sir Henry Craik :** I have no doubt that there are a number of qualified Muslims in the Provinces. I think a later question on today's paper deals with that suggestion that stenographers should be drafted from the Provinces to the Government of India.

**Mr. Amar Nath Dutt :** May I know if Government take the religious persuasion of a particular individual into consideration in making appointments ?

**The Honourable Sir Henry Craik :** I think in order to retain the proper communal proportions, that has to be considered.

**Mr. Amar Nath Dutt :** Sir, "community" is one thing and "religion" is another. I am now speaking of "religion".

**The Honourable Sir Henry Craik :** I do not quite see the difference.

**Mr. Lalchand Navalrai :** May I know if, in order to meet that inequality, Government propose to take those persons that have to be taken in on that account only or also on the ground of efficiency ?

**The Honourable Sir Henry Craik :** Efficiency is certainly considered ; it is necessary for every stenographer. I understand, to pass a qualifying examination.

**Mr. Lalchand Navalrai :** May I know if all the recruitment that is to take place is through the Public Service Commission ?

**The Honourable Sir Henry Craik :** Yes, that is so.

**Mr. M. Maswood Ahmad :** Will Government state what is the test of efficiency for a stenographer ?

**The Honourable Sir Henry Craik :** I am afraid I cannot say that off-hand.

**Mr. M. Maswood Ahmad :** Will Government please state whether any attempt has been made during the last two years to appoint any stenographer in the Home Department ?

**The Honourable Sir Henry Craik :** I have only been in charge a week, but I believe that there have been no vacancies during the last year or so.

#### MUSLIM STENOGRAPHERS IN RECEIPT OF SPECIAL PAY IN THE GOVERNMENT OF INDIA SECRETARIAT.

366. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that in the Government of India Secretariat, stenographers working with Honourable Members, get a special pay of Rs. 150 per mensem, each, while those attached to Secretaries and Joint Secretaries get a special pay of Rs. 50 per mensem, each, only ?

(b) Will Government kindly state if there is any Muslim stenographer in the Secretariat who is in receipt of such a special pay ?

(c) If the answer to part (b) above be in the affirmative, will Government please state if they intend to take any steps to remove this grievance of the Muslim community ?

**The Honourable Sir Henry Craik :** (a) The reply is in the affirmative.

(b) Yes, at present there is one in the Railway Department.

(c) I presume that the Honourable Member wishes to know what action Government intend to take to increase the number of Muslim stenographers in posts carrying special pay. If so, I must point out that selection for these posts is governed by fitness and not by communal considerations.

**Maulvi Sayyid Murtuza Saheb Bahadur :** May I know from the Honourable Member if he knows that the Muslims have never asked that inefficient and incompetent hands should be entertained in any Department of the Government services ? (Hear, hear.)

**The Honourable Sir Henry Craik :** I will take the Honourable Member's word for it.

**Mr. Amar Nath Dutt :** Do Government propose to take steps to convert men of one religious faith into another, in order to equalize representation in the services ?

**The Honourable Sir Henry Craik :** The answer is an unhesitating negative.

**Maulvi Sayyid Murtuza Saheb Bahadur :** Is it not a fact that the importance of the Muslim community as a community has been recognized by the Government in matters relating to all these appointments ?

**The Honourable Sir Henry Craik :** Yes, Sir.

#### APPOINTMENT OF MUSLIM STENOGRAPHERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

367. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that the Government of India in the Home Department have recently issued a resolution fixing the percentage of Muslims in the services at 25 ?

(b) Is it a fact that in the whole of the Secretariat of the Government of India there are only five Muslim stenographers working as follows :

- (i) one in the Foreign and Political Department ;
- (ii) one in the Education, Health and Lands Department ;
- (iii) one in the Agricultural Research Council ; and
- (iv) two in the Industries and Labour Department ;

against about fifty stenographers belonging to other communities ?

(c) Is it a fact that very well qualified Muslim stenographers are available in the various Provincial Governments who would be quite prepared to come to the Government of India ?

(d) Will Government please state whether in order to remove this disparity, they are prepared to ask Local Governments to submit the names of properly qualified Muslim stenographers for employment in the Government of India Secretariat ?

(e) Is it a fact that in the past some Hindu and Christian stenographers were exempted from the general test of the Public Service Commission and are now working permanently in the Government of India Secretariat ?

(f) Do Government likewise propose to exempt such Muslim stenographers, (who are considered competent by their officers), as may wish to come from the Provincial Governments to the Government of India Secretariat ?

**The Honourable Sir Henry Craik :** (a) The Resolution in question provides that 25 per cent. of vacancies to be filled by direct recruitment will be reserved for Muslims.

(b) My information is that out of 71 stenographers, temporary and permanent, nine are Muslims.

(c) I have no information.

(d) The normal method of recruitment is from candidates who have passed the test prescribed by the Public Service Commission. But provision exists for the appointment of candidates with special qualifications, and applications from such candidates will be duly considered.

(e) In the past, the Public Service Commission have exempted, one Hindu and one Christian, from the prescribed test, but these exemptions were not made on communal grounds.

(f) No.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state for what reasons these exemptions were made ?

**The Honourable Sir Henry Craik :** I am afraid I have no exact information on that point, but I imagine that it was because the two persons in question had previous special experience and qualifications. If the Honourable Member so desires, I shall be glad to look into the matter further.

**Maulvi Sayyid Murtuza Saheb Bahadur :** May I know whether, if the Muslims also satisfy the same condition, or conditions, they will come under the same category as those that have already been exempted on these grounds ?

**The Honourable Sir Henry Craik :** Yes, I should say, certainly, Sir.

#### GRIEVANCES OF THE TRAVELLING TICKET EXAMINERS.

368. **\*Mr. S. G. Jog :** (a) Has the attention of the Government been drawn to an article under the heading of "A suggestion to the Railway Board" published in the *Railway Times*, Bombay, dated the 23rd June, 1934 ?

(b) Is it a fact that the Agent's reply referred to therein has proved that the Travelling Ticket Examiners are utilised in other than their legitimate duties ?

(c) Did the Public Accounts Committee give its consent to retain the Moody-Ward system under the Operating control ? If so, when ? Or was the consent given in respect of the Crew system which has been abolished ?

(d) When was the Crew system abolished and when were these recommendations made, as quoted in paragraph 2 of the said article ?

(e) Is it true that the questions about mileage allowance and grade promotion are under the consideration of the administration, as mentioned in paragraph 4 of the said article ?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to state when the decision is likely to be given ?

(g) Will Government be pleased to state if the complaint contained in paragraph 6 of the said article is true, and if so how is it being overcome by the East Indian Railway authorities ?

(h) Is it true that an employee drawing Rs. 200 pay and with longer service is held junior to a man drawing Rs. 160 pay and with shorter service ?

(i) Do Government propose to consider the advisability of having a joint check by Accounts and Operating on the lines suggested in the concluding paragraph of the said article ? If not, why not ?

**Mr. P. R. Rau :** (a) Yes.

(b) I presume, my Honourable friend is referring to the reply given to question No. 155, asked by himself, on the 16th February, 1934. If so, the fact that Travelling Ticket Examiners have duties in addition to checking tickets does not imply that these duties are not part of their legitimate duties.

(c) I would refer the Honourable Member to paragraph 47 of the Proceedings of the Public Accounts Committee which examined the accounts of 1929-30 and to the evidence recorded in pages 39—43 of Volume II of the report.

(d) The Crew System was abolished from June, 1931. As regards the second part of the question the date on which the question was discussed by the Public Accounts Committee, if my Honourable friend is referring to it, was 27th November, 1931.

(e) Two memorials, one from the Travelling Ticket Examining staff of the North Western Railway and one from the Ticket Examining staff of the East Indian Railway, are under the consideration of the Railway Board in consultation with the Agents of the railway administrations.

(f) I regret I am unable to give an exact date, but I hope it will not take long, as the remarks of the administrations concerned have been recently received.

(g) and (h). These are matters entirely within the competence of the Agent, East Indian Railway, and Government are not prepared to interfere ; but I am sending a copy of the question to the Agent for information.

(i) Government do not contemplate making any change at present in the organisation of this department.

#### CLASSIFIED SENIORITY LIST OF STATE RAILWAY EMPLOYEES.

369. **\*Mr. S. G. Jog :** Is it a fact that Government have informed this House in reply to unstarred question No. 95 on the 24th February, 1934, that the classified seniority list of State Railway employees are meant for departmental use and not for publication ? If so, will Government please state :

(a) whether any Department of Government publishes its classified lists ;

- (b) whether the lists for sale shown in the catalogue of the publications by the Superintendent, Government Printing, are departmental classified lists or otherwise ;
- (c) the rule or order notified in the Gazette or otherwise notifying that such lists should not be notified to the staff ;
- (d) the method, means, or ways of getting acquainted with the seniority or juniority of the staff amongst themselves ;
- (e) how the seniority or juniority of the Financial Commissioner, Railways, stood on the 1st July, 1934, amongst his colleagues and officers of the Accounts and Audit Services ;
- (f) how the Financial Commissioner, Railways, came to know about his position on the list when it is never notified to the staff ; and
- (g) whether Government now propose to publish and notify to the staff and place a copy of the classified seniority lists in the Library of this House, and if not, why not ?

**Mr. P. R. Rau :** Yes.

- (a) So far as I am aware no Department of the Government of India publishes classified seniority lists of subordinate staff.
- (b) If my Honourable friend will kindly inform me what publications in the catalogue he refers to, I shall endeavour to give him a reply.
- (c) There is no such rule or order. If my Honourable friend will refer again to the reply he refers to, he will find that I did not say that these lists should not be notified to the staff.
- (d) I am not aware that at present subordinate staff have any difficulties in finding their relative seniority : they have only to apply to their superior officers.
- (e) The latest classified list of officers in the Finance Department, Government of India, and the Departments under its administrative control is up to the 31st May, 1934, and a copy is, I believe in the Library of the House. If my Honourable friend is interested in knowing the relative position of the present Financial Commissioner of Railways, as compared with the other officers in the Indian Audit and Accounts Service, he can find the information in page 19 of that list.
- (f) My Honourable friend's assumption in the second part of the question is incorrect. Classified lists of Gazetted Officers are usually compiled by Departments of the Government of India including the Railway Department, and are published.
- (g) A copy of the classified list of officers of all railways, corrected up to the 31st December, 1933, is in the Library of the House.

The printing of seniority lists of subordinates is a matter for the Railway administrations to decide with reference to their utility for departmental use, and Government are not prepared to issue general instructions that seniority lists of all subordinates should be printed. I understand, however, that State-managed Railways generally print lists of subordinates in grades rising to Rs. 250 and over.

**PROMOTIONS IN CERTAIN GRADES ON THE LUCKNOW AND MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.**

370. \***Mr. S. G. Jog** : Is it a fact that Government informed this House on the 2nd March, 1934, in reply to the starred question No. 323 (a), that the collection of the information regarding promotions in certain grades on the Lucknow and Moradabad Divisions of the East Indian Railway, is likely to involve a considerable amount of labour? If so, will Government please accept the cost of labour from me and collect the required information?

**Mr. P. R. Rau** : The answer to the first part of the question is in the affirmative, and to the second in the negative.

**APPRECIATION OF THE WORK OF TRAVELLING TICKET EXAMINERS.**

371. \***Mr. S. G. Jog** : Is it a fact that the working of the Travelling Ticket Examiners during the period 1916—28, was considered satisfactory and as such was appreciated by the authorities?

**Mr. P. R. Rau** : I have not been able to trace any reports received by the Railway Board on the subject.

**CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

372. \***Mr. S. G. Jog** : (a) Is it a fact that the cadre of the Travelling Ticket Examiners on the North Western Railway during the period 1916—28 was under the Audit Department?

(b) Is it a fact that the principal function of the cadre of the Travelling Ticket Examiners under the Audit Department was to check and to detect unauthorized travelling, frauds or irregularities of the Traffic Department?

(c) Is it a fact that under the Audit Department the Travelling Ticket Examiners unearthed the irregularities of the Traffic Department?

(d) Is it a fact that to achieve the complete check and detection of irregularities the Audit Department is created?

**Mr. P. R. Rau** : (a) Yes.

(b) Their duties consisted in checking tickets of passengers in trains and collecting the proper fares and any penalties due from passengers found travelling without tickets.

(c) Travelling Ticket Examiners were expected to endeavour to detect all irregularities which came within the scope of their duties.

(d) It is one of the functions of the Audit Department to examine the accounts in order to detect irregularities, if any.

**CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

373. \***Mr. S. G. Jog** : (a) Will Government please state the circumstances under which the Divisional Superintendents on the North Western Railway in 1925 assembled and unanimously decided to take



over the control and working of the cadre of Travelling Ticket Examiners from the Audit Department ?

(b) Will Government please lay on the table a copy of the minutes of the meeting of the Divisional Superintendents ? If not, why not ?

**Mr. P. R. Rau :** (a) The decision was based on the consideration that better supervision over travelling ticket examining staff would be possible with Divisional Superintendents and their District Officers constantly travelling about.

(b) No. These documents are confidential.

#### UNAUTHORISED TRAVELLING BY THE PERSONNEL OF THE RAILWAY TRAFFIC DEPARTMENT.

374. **\*Mr. S. G. Jog :** Is it a fact that the personnel of the Traffic Department, both officers and subordinates, enjoy the privilege of unauthorized travelling ?

**Mr. P. R. Rau :** The reply is in the negative.

#### CARRYING OF RELATIVES AND FRIENDS OF TRAFFIC DEPARTMENT OFFICERS IN THEIR INSPECTION CARRIAGES.

375. **\*Mr. S. G. Jog :** Is it a fact that officers of the Traffic Department do carry with them in their respective Inspection Carriages, their friends and unauthorized relatives without tickets or permits ?

**Mr. P. R. Rau :** No Railway officer is permitted to carry with him in Inspection Carriages his friends or relatives without proper tickets or passes.

#### CONTROL OVER THE TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

376. **\*Mr. S. G. Jog :** (a) Is it a fact that the cadre of Travelling Ticket Examiners was formed on the North Western Railway under the Audit Department in 1912 ?

(b) Is it a fact that the cadre of Travelling Ticket Examiners on the North Western Railway was transferred in 1915 from the Audit Department to the Traffic Department ?

(c) Is it a fact that the Control and Working of Travelling Ticket Examiners from 1912 to 1915 was under the Audit Department ?

(d) Will Government please state the nature of duties of the Travelling Ticket Examiners performed under the Audit Department between 1912 and 1915 ?

(e) Will Government please state the circumstances under which the Control and Working of the Travelling Ticket Examiners on the North Western Railway were transferred in 1915 from the Audit Department to the Traffic Department ?

(f) Is it a fact that the cadre of the Travelling Ticket Examiners on the North Western Railway was in 1916 retransferred from the Traffic Department to the Audit Department ?

(g) Will Government please state the circumstances under which the control and working of the Travelling Ticket Examiners on the North Western Railway were re-transferred in 1916 from the Traffic Department to the Audit Department ?

(h) Will Government please state the nature of duties of the Travelling Ticket Examiner, performed under the Traffic Department between 1915 and 1916 ?

(i) Will Government please lay on the table copies of the reports submitted both by the Audit Department and the Traffic Department on the Working of the Travelling Ticket Examiners during the period 1912—15 and 1915-16, respectively ? If not, will Government please state the source through which the efficiency or extravagancy of the cadre was judged ?

**Mr. P. B. Rau :** (a), (b), (c), (e), (f) and (g). I would refer my Honourable friend to the reply given to question No. 461, asked by Sardar Sant Singh on the 4th September, 1933.

(d) and (h). Government are not aware that the duties of Travelling Ticket Examiners changed between 1912 and 1916. Their duties presumably included checking tickets and collecting fares and penalties.

(i) I understand that no records are now available.

#### DEBT LEGISLATION.

377. **\*Rai Sahib Badri Lal Rastogi :** Are Government aware that more than one Provincial Government has introduced debt legislation in its Local Legislative Council ? Are Government also aware that the question of slump in trade is an all-India question ? If so, do Government propose in the interest of the country as a whole to take up the question of debt legislation ?

**The Honourable Sir Henry Craik :** The answer to the first two parts of the question is in the affirmative. As regards the last part, I would refer the Honourable Member to the answer given on the 19th July, 1934, to starred question No. 143, by Sir Muhammad Yakub, in which my predecessor explained why the Government of India did not consider it desirable to introduce central legislation in the matter.

**Mr. J. Ramsay Scott :** Are Government aware that the United Provinces Government are introducing legislation which penalizes the creditor for the benefit of the debtor amounting to legalized default ?

**The Honourable Sir Henry Craik :** I am aware that the United Provinces Government have under consideration legislation which does fix the rates of interest on loans, but I am not familiar with the details of that legislation.

**Mr. J. Ramsay Scott :** Are Government prepared to assist Local Governments to overcome these difficulties by supporting land mortgage banks and thus avoiding the enactment of such an objectionable and dangerous legislation ?

**The Honourable Sir Henry Craik :** I think the question of land mortgage banks is dealt with in a Resolution of the Finance Department published after the Economic Conference held last April.

**Mr. J. Ramsay Scott :** Will Government kindly consider the question and make a statement or put it on the table ?

**The Honourable Sir Henry Craik :** Which question ?

**Mr. J. Ramsay Scott :** On its attitude towards this proposed provincial legislation and land mortgage banks.

**The Honourable Sir Henry Craik :** I do not think it is fair to ask the Government of India to make a statement at present on their attitude towards provincial legislation. That is a matter for consideration when the legislation in question takes final form and emerges from the Local Legislative Council.

**Mr. Vidya Sagar Pandya :** May I ask, Sir, how far the recommendation made at the time of the Reserve Bank Bill about rural credit has progressed ?

**The Honourable Sir Henry Craik :** Would the Honourable Member mind repeating the question ?

**Mr. Vidya Sagar Pandya :** There was a recommendation made about rural credit when the Reserve Bank Bill was under consideration, and the Government had promised to take some steps in the matter. I would like to know what steps have been taken in that matter, because that will go a great deal to solve the question of interest as well as the question of land mortgage banks.

**The Honourable Sir Henry Craik :** I think that question ought really to be addressed to my Honourable colleague on my left, but I understand that the Reserve Bank Act does contain a section directing that the Bank shall set up a department to deal with rural credit, and steps are being taken to carry out that direction of the Act.

**Mr. Vidya Sagar Pandya :** I want to know what progress has been made in that direction ?

**The Honourable Sir James Grigg :** That does not arise out of the present question. If the Honourable Member puts down a question, I will be able to give an answer.

**Dr. Ziauddin Ahmad :** With reference to the question put by Mr. Scott, may I ask whether the Government of India are aware that the Government of the United Provinces have made a great mess of this question of rural indebtedness with the result that they have annoyed the landlords of the United Provinces ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Bhai Parma Nand.

**Bhai Parma Nand :** Is it a fact that the Indebtedness Relief Bill was before the United Provinces Legislative Council and that certain important changes were made in it ? Those changes required the sanction of His Excellency the Viceroy, and, therefore, the Bill has been sent to His Excellency the Viceroy for his sanction. Will the Honourable Member give us information on that point ?

**The Honourable Sir Henry Craik :** My impression is that one Bill that emerged from the United Provinces Legislative Council was submitted to His Excellency the Governor for his sanction and that he referred it back to the Council suggesting that certain amendments should be made. I am only speaking what I have read in the newspapers. That is my

impression. I do not think the legislation has advanced beyond that at present. But I speak subject to correction. I have been out of India for the last three months, and I have not closely followed what has been going on in the United Provinces.

**Dr. Ziauddin Ahmad :** With reference to the reply just given by the Honourable Member, is it a fact that this Bill, which was really stopped by the Governor, was a Government Bill and it was really based on the report of a Committee and was drafted with the approval of the Executive Council and passed by the Legislature, and then it was stopped altogether ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Is the Honourable Member giving information or is he asking for it ?

**Dr. Ziauddin Ahmad :** I am asking a question by saying " Is it a fact ? "

**The Honourable Sir Henry Craik :** The Honourable Member is himself in a much better position to answer that question. I have been out of India during the last three months, but my impression is that the Bill was certainly a Government Bill and that amendments were carried against the Government vote in the course of its passage through the Legislative Council and these amendments His Excellency the Governor found himself unable to accept. So he referred the Bill back to the Council. I am speaking subject to correction as my knowledge is drawn entirely from what I have read in the newspapers.

**Dr. Ziauddin Ahmad :** Is it a fact that the reasons for the withholding of this Bill are in this question ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Mr. Bhuput Sing.

#### CONFISCATED FUNDS NOT RETURNED TO THE CONGRESS.

378. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state the total amount of confiscated funds in each Province which are not going to be returned to the Congress ?

(b) How is it proposed to utilise these confiscated funds ?

(c) Will these funds remain in the hands of the Central Government or the Provincial Governments concerned ?

(d) Do Government propose to divert the whole amount to the Viceroy's Earthquake Relief Fund for utilisation in the affected areas of Bihar ?

(e) If not, why not ?

**The Honourable Sir Henry Craik :** (a) By section 17E of the Indian Criminal Law Amendment Act, 1908, a Local Government was empowered, if it was satisfied that any monies, securities or credits were

being used or were intended to be used for the purposes of an unlawful association, to declare such monies, etc., forfeited to His Majesty. I must make it plain that there is no question of the return of moneys so forfeited.

I regret I have no information of the total amount so forfeited in the various provinces.

(b) to (e). Forfeited moneys are credited to provincial revenues and merge in the provincial balances.

**Mr. Bhuput Sing :** Will Government kindly inquire how much money has been confiscated in all the Provinces ?

**The Honourable Sir Henry Craik :** I regret I have no information on that point.

**Mr. Bhuput Sing :** Will the Honourable Member kindly make an inquiry from the Local Governments ?

**The Honourable Sir Henry Craik :** If the Honourable Member really thinks it worth while, I shall make inquiries.

**Mr. S. C. Mitra :** Will Government please explain the principle why they make a difference between the confiscation of movable and immovable property ?

**The Honourable Sir Henry Craik :** The difference is made in the Act. There are two sections of the Act, one refers to money, credits and so on, and the other refers to immovable property.

**Mr. S. C. Mitra :** Is it not stated in the Statute that the immovable property is also confiscated and that Government can get money out of those properties by putting them into auction ?

**The Honourable Sir Henry Craik :** The Local Government can take possession of the immovable property, but it is not forfeited to His Majesty. That is the distinction.

**Mr. Bhuput Sing :** May I know if the immovable property is sometimes returned when these societies are declared lawful ?

**The Honourable Sir Henry Craik :** Yes, that is correct.

**Mr. Bhuput Sing :** Why have not the Government returned back the movable property when these societies have been declared lawful ?

**The Honourable Sir Henry Craik :** Because, in the case of cash, securities, credits, and so on, the Statute says that they can be forfeited to His Majesty. In that case, there is no question of return. In the case of the immovable property, that is to say, land or buildings, the Statute only allows the Local Government power to take possession of them. If the ban on the Association is removed, such immovable properties are returned, but not the movable properties which have been forfeited to His Majesty.

**Mr. Bhuput Sing :** Will the Government of India kindly ask the Local Governments to use this money for the relief of the distressed people who are suffering either from floods or earthquake ?

**The Honourable Sir Henry Craik :** I said that the money merges in the general provincial balances, and whether it can be applied to such purposes as the Honourable Member suggests is really a question of financial propriety.

**Mr. Amar Nath Dutt :** Will Government take steps to utilise that money for the relief of the new Finance Member ? (Laughter.)

(No answer.)

#### LIGHTING ARRANGEMENTS ON THE LONGWOOD ROADS, SIMLA.

379. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they are aware that there are no lighting arrangements on Longwood roads passing through cottages allotted to the Members of this House ?

(b) Are Government aware that there are such arrangements on the Cart Road ?

(c) Do Government propose to take any steps to remove the darkness? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) No. Certain lights are provided by the Central Public Works Department, and there are also lights provided by the Municipal Committee in the neighbourhood.

(b) Yes.

(c) I would suggest that the Honourable Member might refer the matter to the House Committee. Government will give careful consideration to any suggestions made by the House Committee for the improvement of the lighting arrangements at Longwood.

#### FLOODS IN NORTH BIHAR.

380. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they have in their possession any additional information than that published in the newspapers regarding the serious floods in North Bihar ?

(b) How many lives have so far been lost and what is the extent of the damages to property ?

(c) Can relief be given out of the Viceroy's Earthquake Fund for these floods, and will local bodies be given anything out of the funds granted to Bihar and Orissa Government for earthquake relief ?

(d) Do Government propose to make a special separate grant to the Provincial Government for flood relief ?

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(c) What steps have the Bihar Government taken so far to relieve the distress arising out of floods and what preventive measures have been taken ?

**Mr. G. S. Bajpai :** I lay on the table copies of the Press communiqués, issued by the Government of Bihar and Orissa, dated the 18th, 19th and 26th July, and also a copy of the Government of Bihar and Orissa's letter, dated the 30th July, 1934. It will be seen that there has been no loss of life or loss of cattle ; though some damage has been done to *katcha* houses, it is not very serious ; damage has also been done to the crops, and it is estimated that five per cent. of the *Bhadai* crop has been damaged severely in Champaran, but that the damage to the paddy is less serious. In Muzaffarpur, the extent of the damage cannot be estimated, as the water had only just shown signs of falling on the date of the report (July 28th). Necessary relief measures have been organised by the Local Government.

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*The 18th July, 1934.*

The position regarding the floods in the Tirhut Division, as ascertained up to the night of the 17th July, 1934, is as follows :

An aeroplane was obtained by the Local Government for the purpose of ascertaining the exact position. Mr. J. E. Scott, Commissioner of the Tirhut Division, flew over the whole of the affected tract and landed at Motihari. There has been an abnormal flood on the Sikrana and Burh Gandak rivers, which came down with more than the usual acceleration. This flood has caused a shallow sea to form from Motihari to Muzaffarpur but the water is extremely shallow and is not likely to cause any danger. Though numerous villages are surrounded by water, little damage appears to have been done to the house or to the inhabitants or their cattle. There is very little flooding in the Dhaka direction. The flooding on the river Bagmati has never been abnormal and gives no cause for alarm. North of Muzaffarpur eight or nine low lying villages have been washed out by the waters of the Bagmati banking up against the flood in the Bur Gandak. The inhabitants of these villages have been rescued.

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*The 19th July, 1934.*

Heavy rain at Motihari and in the hills to the north has led to flooding in the basin of the Sikrana (Burh-Gandak) river. The flood is now receding at Sugauli and is making its way towards Muzaffarpur. There is no reason for anxiety and the flood is not expected to be abnormal. The Bagmati river is low. The Commissioner of Tirhut flew over the affected area on Tuesday last. The villages likely to be affected by the flood have been warned and all precautions have been taken.

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*The 26th July, 1934.*

Up to the morning of the 23rd of July, the position with regard to the floods in North Bihar was as follows :

In Champaran the floods started to fall on the afternoon of the 17th. By the 19th the water had fallen considerably in the area round Motihari and to the west of that town. As the water passed down from the north west of the district, there was heavy flooding round Madhubani from midnight of the 17th. In this area a few village sites went completely under water and a certain number of houses have collapsed.

The flood rescue arrangements which had been organized by the Collector worked well. Sufficient boats were available and the inhabitants of submerged villages were rescued promptly and given food and clothing. By the 22nd the necessity for active relief work had ceased everywhere in Champaran except at Madhubani. The information received is to the effect that no lives, either of human beings or of cattle, were lost and that about two annas damage was done to transplanted rice in the worst affected areas. A certain amount of damage has also been done to the bhadoi crop.

In Muzaffarpur nothing serious occurred in the Hajipur Sub-division, though the Gandak river rose very high. There was flooding in the north east of the Sitamarhi sub-division, where the water had fallen by one foot by the 22nd. The brunt of the floods fell on the country to the north of Muzaffarpur in the Sadr Sub-division. The first eleven miles of the Muzaffarpur-Sitamarhi Road were breached or went under water in numerous places and villages along the line of the road were heavily inundated in Minapur, Sakra, Katra, and Muzaffarpur thanas. Here again the special flood rescue system worked well. Relief parties went out promptly in boats with money, food and fodder and a large number of refugees have been brought in to Muzaffarpur and given shelter in the Damuchak colony.

The general position is that the danger is over for the present in Champaran, north and west Sitamarhi, Darbhanga and Saran. There should be no more trouble in the portion of the Sadr Sub-division of Muzaffarpur, west of the Sitamarhi Road except damage to houses and crops from prolonged immersion. East of this line towards Pusa and Samastipur it is not yet possible to gauge the position as the flood water is now passing in that direction. The bund which protects Samastipur town has been strengthened.

In anticipation of floods, elaborate arrangements were made at the instance of Government to provide boats in unusually large numbers to organise rescue centres and to provide for refugees. The necessity for this organisation has been amply justified. This was the first occasion on which it was tested, and it is satisfactory to find that the organisation has worked efficiently. Without it, the damage caused by the flood would have been far more serious.

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*Copy of a letter No. 1145-R.R., dated the 30th July, 1934, from the Government of Bihar and Orissa, to the Government of India, Home Department.*

In reply to your telegram No. D.3312 of the 27th July, 1934, and in continuation of my telegram of the same date, I am directed to give the following additional information about the floods in the Champaran and Muzaffarpur districts—

- (a) Loss of human life reported nil.
- (b) Loss of cattle reported nil.
- (c) Damage to property :—Some damage to property has resulted from the entry of flood water into village-sites and the consequent crumbling of walls and damage to *katcha* houses. The extent of the damage thus caused cannot yet be estimated, but it is not very serious. With regard to crops, damage was done to the *bhadoi* crop in the flooded area of Champaran district, where considerable areas were under water, and it is estimated that 5 per cent. of the *bhadoi* crop in that district has been severely damaged. The damage to the paddy is less serious. No estimate of the damage done to crops in Muzaffarpur can yet be given, as the water is draining off very slowly from the central parts of the district.
- (d) With regard to the measures taken by Government in readiness for the floods, the construction of a large fleet of boats had been in progress for several months and the boats were distributed before the onset of the rains at places where they were likely to be required. Shelters for refugees were constructed after the earthquake, and these were purposely made in greater numbers than were certainly required then, so that there would be room in case of necessity for flood-refugees. Money was placed at the disposal of the Commissioner and Collectors from Famine Relief Funds and arrangements were made by the local officers and officers of the District Board to meet any situation caused by floods. The local Government arranged for an aeroplane to be available at very short notice, wherever required.



- (c) An air-reconnaissance of the flooded area was made at an early stage by the Commissioner of Tirhut, Mr. Scott, and valuable information was thus obtained. The boats have proved valuable in moving many hundreds of people from flooded sites to higher ground. The Public Works Department and district board authorities made special arrangements, to watch and strengthen and if necessary raise embankments, and the efforts of those engaged in this work prevented much more serious damage in several places,—particularly in Muzaffarpur town itself. Visits were made by officers deputed for the purpose to the badly-affected areas, by boat in many cases, and food was distributed where necessary. Arrangements were made for shelter for refugees on high ground, and in Muzaffarpur town the shelters already constructed proved extremely useful. Copies of three press communiqués issued on the 18th July, 19th July, 1934, and 26th July, 1934, are enclosed. The latest news on the 28th morning is that the rivers which had begun to rise again are falling and the flood is abating.

**Mr. Gaya Prasad Singh :** May I ask, Sir, what assistance the Government of India have given or propose to give to the Bihar Government in order to cope with this situation that is arising out of the floods ?

**Mr. G. S. Bajpai :** The Government of India have not been approached by the Government of Bihar for any assistance presumably because they consider that the resources which have already been placed at their disposal by the Government of India and from the Viceroy's Relief Fund are adequate.

**Mr. Gaya Prasad Singh :** May I know if the assistance from the Viceroy's Relief Fund could be given to cope with the flood situation ?

**Mr. G. S. Bajpai :** I have a recollection of reading in the Press the other day that Rs. 50,000 have been allotted from that Fund for flood relief.

**Mr. K. C. Neogy :** Are not Government making a serious attempt to cheapen corrugated iron sheets in the interests of the distressed agriculturists ? I am simply reminding the Government of it and they can take credit for it.

**Mr. E. Studd :** Are Government taking steps to see that in the rebuilding of devastated towns, provision will be made for an improved lay-out and the abolition of the old slum areas ? Or is it Government's intention to allow the slums to be re-built ?

**Mr. G. S. Bajpai :** I should have thought that the Relief Commissioner would certainly take the elementary precaution which the Honourable Member has mentioned when he considers proposals for re-construction.

**Mr. E. Studd :** Will the Government of India be prepared to support the proposals of the Local Government for an improved re-construction.

**Mr. G. S. Bajpai :** The Government of India, as far as I know, have received no proposals from the Government of Bihar for improved re-construction of the slums, because that appears to be a question which is perfectly within the competence of the Local Government. But my Honourable friend's suggestion, if he so wishes, can be passed on to the Government of Bihar.

**DECLARATION OF A PUBLIC HOLIDAY FOR *Chaitra Sudi Tryodashi*.**

381. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they are aware that *Chaitra Sudi Tryodashi*, that is, the thirteenth day of New Moon in *Chait*, is the anniversary date of birth of *Mahabir*, the last *Tirthankar* of Jains, which is observed throughout India by all sects of Jains ?

(b) Do Government propose to declare it as a public holiday under the Negotiable Instruments Act ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) Section 25 of the Negotiable Instruments Act, 1881, vests the power to declare any day to be a public holiday in the Local Government and not in the Government of India. The matter is, therefore, one for Local Governments.

**BIOCHEMICAL WORK IN THE INDIAN LAC RESEARCH INSTITUTE.**

382. **\*Mr. K. C. Neogy :** Is it a fact that there is very little biochemical work on the programme of the Indian Lac Research Institute at present ? If so, do Government propose to consider the abolition of the post of the biochemist, or at least recruiting one on a smaller pay suitable for the needs of the situation ?

**Mr. G. S. Bajpai :** Biochemical work has been temporarily curtailed to some extent in order to enable greater attention to be given to problems of lac manufacture and utilisation. The question is primarily one for the Indian Lac Cess Committee.

**BIOCHEMICAL WORK IN THE INDIAN LAC RESEARCH INSTITUTE.**

383. **\*Mr. K. C. Neogy :** (a) Is it a fact that the Biochemist of the Indian Lac Research Institute has not carried out any research work in the laboratory for the last 11 years ? If she has, in which publications have the results been brought out ?

(b) What are the research publications on lac by the Biochemist ?

(c) Is it a fact that the Biochemist was only a bacteriologist at Coimbatore and Kasauli, previous to her appointment in the Indian Lac Research Institute, and, that, she had no previous experience of plant biochemistry or chemistry of lac, which was the qualification required according to the terms of the advertisement ?

**Mr. G. S. Bajpai :** (a) and (b). No. A list of her publications since she joined the Institute, including publications on lac research, will be found in the statement which I lay on the table.

(c) No. Before appointment to the Lac Research Institute she had held three appointments as Biochemist at different times, and had specialised in Biochemical technique at the Lister Institute.

Post. 1	Academic qualifications at the time of recruitment. 2	Research experience on lac. 3	Posts held by them, salaries received and research publications since joining the Institute. 4	List of their individual publications since joining the Institute. 5
Bio-Chemist and Director.	B.Sc. Hons. Chem. M.Sc., A. I. C.	The Director is a qualified research worker in Organic Chemistry which includes natural resins and specialises at the Lister Institute in Biochemical technique and modern methods of research.	<p>1. Biochemist under the John Howard MacJadden Research Fund. Salary, £250 per annum.</p> <p>2. Reader in Biochemistry, Indian Institute of Science. Salary, not ascertainable.</p> <p>3. Research worker in Biochemistry under the Indian Research Fund. Salary, not ascertainable.</p> <p>4. Bacteriologist to the Government of Madras, pay, Rs. 650—50—800. (If confirmed after 3 years she was to be absorbed in the Indian Agricultural Service but she resigned before the 3 years were out.)</p> <p><i>Research publications before joining the Institute.</i></p> <ol style="list-style-type: none"> <li>1. Derivatives of Naphthacene quinone with Ch. Weizmann and R. V. Norris.</li> <li>2. Derivatives of Anthraquinone with Ch. Weizmann and R. V. Norris.</li> <li>3. The Diacetyl Reaction for Proteins with Dr. Harden.</li> <li>4. The Bacterial Production of Acetyl methyl carbinol and</li> </ol>	<p>1. A comprehensive Report covering the activities of the Indian Lac Association for Research from March, 1926 to August, 1931.</p> <p>2. Lac Research in India.</p> <p>3. Lac and Shellac Industry of India.</p> <p>4. An investigation into the plant requirements of Zizyphus Jujuba during growth and under lac cultivation with M. Rangaswami, M. Venugopalan and S. Ranganathan.</p> <p>5. A preliminary note on the use of Aocia Cechu (Khair) as a host alternative with Schleichera trijuga (Kusum) for the cultivation of Tschardias Lacca (Lac) with H. T. Bates and M. Rangaswami.</p> <p>6. The Lac Industry in India.</p> <p>7. Shellac.</p> <p>8. The Lac and Shellac Industry of India. } two articles in 'Capital'.</p> <p>9. Report on the State of lac cultivation and general condition of the lac industry in Burma.</p>

- 2-3 Butylene Glycol from various substances, with Dr. Harden.
  5. The Bacterial Production of Acetylmethyl carbinol and 2-3 Butylene glycol from various substances Part II with Dr. Harden.
  6. The Relation of Concentration of food Supply to the Generation-time of Bacteria; with Dr. Penfold.
  7. A note on the bases of gas-works coal tar which are believed to be the predisposing cause of pitch cancer with special reference to their action on lymphocytes together with a method for their inactivation Part I Anxetic Action.
  8. A preliminary Note on the preparation of culture media suitable for organisms used in vaccines.
  9. A further note on the preparation of culture media suitable for the growth of organisms used in vaccines.
  10. The preparation of culture medium suitable for the growth of organisms used as vaccines.
  11. The preparation of a simplified culture medium for field workers.
  12. Bacterial infection of cotton bolls with E. Ballard.
10. Notes on the use of Schleichia trijuga (Kusum) in lac cultivation. Pruning and Cropping.
  11. The establishment of Aleurites Fordii (Tung Oil) in the Ranchi District of Chota Nagpur, with H. T. Bates.
  12. Advice on the more profitable use of the Kusum tree as a lac host.

Post. 1	Academic qualifications at the time of recruitment. 2	Research experience on lac. 3	Posts held by them, salaries received and research publications before joining the Institute. 4	List of their individual publications since joining the Institute. 5
Entomologist ..	B.Sc. Honours ..	An honours course in Entomology includes general and special study of the methods of insect research and control, as a whole, and includes work on the group <i>Coccidae</i> into which the lac insect falls.	Demonstrator in the Zoological Department Leeds University, on a salary of £200 per annum.  No publications.	<p>1. Shellac by P. M. Glover, Oil and Colour Trades Journal LXXVII No. 1643 and 1652, 1930.</p> <p>2. Paper on Lac Plantations by P. M. Glover, Proceedings of the Bihar and Orissa Forest Conference, Ranchi. Published by Bihar and Orissa Forest Department.</p> <p>3. Entomological Aspects of Lac Research in India by P. M. Glover, Bulletin of Entomological Research volume LXI page 3, 30th October, 1930.</p> <p>4. A Practical Manual of Lac Cultivation by P. M. Glover, June, 1931. Published by Ind. Lac Res. Inst.</p> <p>5. A Report on the state of lac cultivation and general cultivation of the lac industry in Burma 1931 with two appendices by Mrs. Dorothy Norris, December 1931. Appendix 2, Entomological. Published by Ind. Lac. Res. Inst.</p>

6. The effects of temperature and Humidity on Oviposition incubation and emergence in the Lac insect. *Loxifer (Tectardia)* Lacca. Kerr, (*Coccidae*) and on the resulting crop by P. M. Glover, P. S. Negi, M. P. Miana and S. N. Gupta, 1932. Ind. Lac Res. Inst. Bull. 4.

7. Some Simple Methods of Controlling the Insect Enemies of Lac, by P. M. Glover, Agricultural Department, Bihar and Orissa. Leaflet No. 2, 1932.

8. *Aspidiotus (Furcaspis) orientalis* Newstead. (Coccidae) its economic importance in lac cultivation and its control: Bull. 16. Ind. Lac Res. Inst. 1933.

9. An account of the occurrences of *Chrysomphalus aservatus* Mask and *Lacocifer laevigatus* Kerr on Grape Fruit in Ranchi district, Chota Nagpur, with a note on the Chalcidoid parasites of *Aspidiotus orientalis* Newst. In press Jour. Bombay Nat. Hist. Soc.

Post. 1	Academic qualifications at the time of recruitment. 2	Research experience on lac. 3	Posts held by them, salaries received and research publications before joining the Institute. 4	List of their individual publications since joining the Institute. 5
Physico-Chemist.	B. Sc. (Hons.) A. R. C. Sc.	Two years research on the Physico-Chemical properties of compounds on lines similar to those necessary for research on lac. Several months in the research laboratories of the General Electric Coy. whose research programme includes lac as an insulator.	<p>At the G. E. C. Research Laboratory £200 per annum.</p> <p><i>Research Publications before joining.</i></p> <ol style="list-style-type: none"> <li>1. Thesis for Ph.D. University of London 1929 'Chemical Fogs'.</li> <li>2. J. C. S. CXXXIX, 1930, P. 1103. 'Production of Fog in the Neutralisation of alkali with hydrogen halide.'</li> </ol>	<ol style="list-style-type: none"> <li>1. Res. Bul. No. 5. 'Humidity and Storage of Britton Lac.'</li> <li>2. Res. Bul. No. 7. Orpiment and the Iodine Value of Shellac.</li> <li>3. Res. Bul. No. 8. The Iodine Value of Shellac.</li> <li>4. Res. Note No. 1. A note on the bleaching of shellac.</li> <li>5. Res. Note No. 2. A note on determination of shellac purity.</li> <li>6. Res. Note No. 3. A note on the swelling of shellac.</li> <li>7. Res. Bul. No. 12. Shellac drying oil combinations.</li> <li>8. Res. Bul. No. 13. Orpiment in Shellac.</li> <li>9. Res. Note No. 4. Some effects of baking shellac varnish films.</li> <li>10. Res. Note No. 5. Shellac-resin oil combination.</li> </ol>

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11. Res. Note No. 6. The use of Lithophone in shellac paints.
12. Res. Note No. 7. Reconditioning shellac.
13. Capital Feb, 1933. Research for Shellac.
14. Res. Bul. No. 14. The Heat Curing of Shellac, Part I.
15. Res. Note No. 9. Triresyl Phosphate and Water Resistance of shellac.
16. Res. Note No. 11. Further notes on reconditioning shellac.
17. Res. Note No. 13. Improvement in the Heat Resistance of shellac mouldings.
18. Res. Note No. 14. Treatment of shellac varnish with theourea and Urea.
19. Res. Note No. 15. Influence of nitrogenous substances on shellac bleaching.
20. Res. Bul. No. 17. The refractive index of shellac.
21. Res. Bul. No. 19. Heat curing of shellac, Part II.
22. Res. Note No. 16. Utilization of 'Kiri' for Plastic Mouldings.



**Mr. K. C. Neogy :** Will it not be more correct to say that these so-called researches were not based upon any laboratory work undertaken by this lady, but they embodied the results of certain field observations which are quite different from laboratory research work?

**Mr. G. S. Bajpai :** I have not perused myself these publications of the lady, and I am, therefore, not in a position either to affirm or to contradict what my Honourable friend has said.

**Mr. K. C. Neogy :** May I draw my Honourable friend's attention to the fact that I wanted information with regard to research work in the laboratory for the last 11 years? Do I take it that the reply to part (b) which the Honourable Member has given refers to work specifically carried out in the laboratory?

**Mr. G. S. Bajpai :** My Honourable friend's question, part (b), reads "What are the research publications on lac by the Biochemist?". There is no specific mention here about research work in the laboratory.

**Mr. K. C. Neogy :** I am referring to part (a) in which I want information about research work carried on by this lady in the laboratory for the last 11 years.

**Mr. G. S. Bajpai :** This lady has brought out 12 publications since joining the Institute. I expect that her publications regarding "Notes on the use of *Schleichera trijuga* (Kusum) in lac cultivation, and the establishment of *Aleurites Fordii* (Tung Oil)"—that these involve investigation in the laboratory, but I would not like to express any definite opinion on the subject.

**Mr. K. C. Neogy :** I am glad that my Honourable friend makes a reservation.

**Dr. Ziauddin Ahmad :** My Honourable friend has not studied Biochemistry and so he cannot pronounce any opinion on the subject.

**Mr. G. S. Bajpai :** I did not know that my Honourable friend, apart from having studied astronomy, had acquired first hand knowledge of Biochemistry as well.

**Mr. K. C. Neogy :** Do I take it that this lady had previous experience in plant Biochemistry or Chemistry of lac before she was appointed?

**Mr. G. S. Bajpai :** As I have already explained to my Honourable friend, she had received training in general Biochemical technique, and I doubt very much whether, at the time when the appointment was made, it would have been possible to secure somebody with first hand knowledge of lac Biochemistry.

**Mr. K. C. Neogy :** That is what I wanted to know.

**Mr. B. Das :** What control does the Department of the Imperial Agricultural Research Council exercise on this so-called Biochemist expert and on the work that she is actually doing on the research side?

**Mr. G. S. Bajpai :** It is not the function of the Department of the Imperial Agricultural Research Council to exercise supervision over the work of the Director, especially in its technical aspects. The Vice-Chairman of the Imperial Agricultural Research Council is the Chair-

man of the Indian Lac Cess Committee, and I dare say as such he discharges such duties as he considers proper and appropriate.

**Mr. B. Das :** Did not the Honourable Member, in reply to a question of mine, the other day, say that the Indian Lac Cess Committee does not contain any experts, rather they consisted of laymen. If so, how do the Committee exercise any control over the researches of this lady ?

**Mr. G. S. Bajpai :** I did not say in reply to my Honourable friend that the Indian Lac Cess Committee contained no experts. What I told him was that the Indian Lac Cess Committee had a number of experts, but only one Chemist.

**Mr. K. C. Neogy :** Has it struck my Honourable friend that during the last 11 years the total contribution to research made by this lady is represented by two or three papers only and that in other branches there are as many as twenty under each ?

**Mr. G. S. Bajpai :** Looking at the papers which I have before me here, her contribution in the form of written work since she joined the Institute is represented by twelve papers published.

**Mr. K. C. Neogy :** All relating to Biochemistry of lac ?

**Mr. G. S. Bajpai :** Whether they all relate to lac or whether they all relate to Biochemistry, I cannot say.

**Mr. B. Das :** Have those papers received any commendation from the sub-committee of the Lac Research Institute in England or America ?

**Mr. G. S. Bajpai :** If my Honourable friend means to ask me whether she has received the Nobel Prize for these investigations, I should say, no ; I have not noticed that. But what measure of notice her work has received in the transactions of chemical and other societies in England and America, I could not say, because I am not a student of these.

**Mr. S. C. Mitra :** Will the Honourable Member name anybody in the Lac Research Institute who is in a position to judge the work of this lady in the research work of Biochemistry ?

**Mr. G. S. Bajpai :** Well, I should not say that there was anybody on the Committee who was a Biochemist.

**Mr. S. C. Mitra :** Then, who is in a position to judge her work ? There are other experts, and I should like to know if there is anybody on that Committee who is in a position to judge the work of this department in Biochemistry of Lac Research ?

**Mr. G. S. Bajpai :** The experts on the Committee are the Imperial Entomologists, and there is, I think, the Inspector General of Forests, who I presume, has a certain working knowledge of Chemistry, but quite frankly I do not think that anybody on the Committee, as it is constituted at the present moment, is a Biochemist in addition to the Director herself.

**Mr. K. C. Neogy :** Then, how is the Honourable Member going to satisfy himself that a fraud is not being actually carried on in the name of research unless he makes some reference to an independent authority ?

**Mr. G. S. Bajpai :** I think the word "fraud" is perhaps too strong, and, in my opinion, it is language which my Honourable friend cannot justify at all.

**Mr. K. C. Neogy :** I did not characterise her research as fraud. What I meant was that supposing that fraud is committed in the name of research, how is the Honourable Member going to satisfy himself about it ?

**Mr. G. S. Bajpai :** That is a hypothetical question whether, if fraud were being committed, how Government will deal with this matter. But I think there is some substance in the underlying suggestion of my Honourable friend, namely, that there ought to be an expert body which should, from time to time, review the scientific work which is being done at the Institute, and that particular aspect of the matter will undoubtedly receive consideration.

**Mr. S. C. Mitra :** Is it a fact that the First Assistant in this department of Biochemistry has gone to England to specialise in applied Chemistry ?

**Mr. G. S. Bajpai :** I want notice. I cannot say off-hand whether the First Assistant has gone. I know that there Research Officers have been deputed by the Lac Researchers to carry on research work in England.

**Mr. K. C. Neogy :** Is it also a fact that several Assistants, who used to be engaged in Biochemical work, have for some time switched their activities over to other departments, and does not all this show that there is little Biochemical work carried on in the Institute ?

**Mr. G. S. Bajpai :** I think last year I answered a question asked by my Honourable friend in regard to the general activities of the Institute, and then I said that emphasis on the work has changed by reason of the altered requirements of the industry in England. It is quite possible that for that reason those, who were engaged upon Biochemical work before, are doing chemical work proper, which does not mean that their services are no longer required. It must be appreciated that the Biochemist is also the Director of the Institute, in other words, apart from doing Biochemical work she is supervising the research work of the Institute generally.

**Mr. S. C. Mitra :** May I take it that at the time of the renewal of this contract of Biochemist, Government will take into consideration whether some other officer could take over the research in Biochemical works and general supervision as well ?

**Mr. G. S. Bajpai :** I answered that question last year. I said that, at the time of the renewal of the contract, the general question of the desirability of continuing the particular kind of work will be taken into consideration.

**Mr. Gaya Prasad Singh :** Is it a fact that, in the last meeting of the Lac Cess Committee, they actually made a recommendation that the terms of this lady's contract may be extended ?

**Mr. G. S. Bajpai :** That is perfectly true, but my Honourable friend is also aware of the fact that Government have passed no orders on that recommendation.

**Mr. Gaya Prasad Singh :** And that she herself, being a member of that Committee, voted in favour of her service being extended ?

**Mr. G. S. Bajpai :** I agree with my Honourable friend that she is a member of that Committee, but as to the actual voting on that occasion, I am afraid, I have no knowledge.

**Mr. Vidya Sagar Pandya :** Do not Government expect the Members on this side to be more chivalrous to that lady, when she is the only lady in that department ?

**Mr. G. S. Bajpai :** I hope my Honourable friend's appeal to chivalry will not fall on deaf ears.

**EUROPEAN OFFICERS ON CONTRACT AT THE INDIAN LAC RESEARCH INSTITUTE.**

384. **\*Mr. K. C. Neogy :** (a) Will Government please lay on the table a statement giving the following information regarding the European officers on contract at the Indian Lac Research Institute :

- (i) their academic qualifications at the time of recruitment,
- (ii) their research experience on lac,
- (iii) the posts held by them, salaries received, and research publications before joining the Institute, and
- (iv) a list of their individual publications since joining the Institute ?

(b) Is it a fact that their posts were not advertised in India ?

(c) Will Government please place on the table a list of the Indian candidates with their qualifications who applied for these posts ?

(d) Is it a fact that the posts were advertised only in England and the Lac Association was determined to appoint only Europeans ?

(e) Do Government now propose to advertise these posts in India and replace the officers on contract with better qualified Indians, if available, and give these European officers notice of termination of services within the provisions of the contract ?

**Mr. G. S. Bajpai :** (a) Attention of the Honourable Member is invited to the statement which I have laid on the table.

(b) and (d). These appointments were originally made by the Indian Lac Association for research. The post of Biochemist was advertised in India but not that of the Physical Chemist or Entomologist.

(c) I regret that I cannot comply with the Honourable Member's request as it is not the practice of Government to reveal the names of unsuccessful candidates for employment.

(e) Attention is invited to the reply given to the Honourable Member's starred question No. 5 on the 16th of last month.

**Mr. K. C. Neogy :** Has the Honourable Member tried to find out why some of these appointments were not advertised at all in India ?

**Mr. G. S. Bajpai :** The fact of the matter is that, at the time these appointments were made, Government had no control over the activities of this Institute.

**Mr. Gaya Prasad Singh :** Who had the control ?

**Mr. G. S. Bajpai :** The Indian Lac Cess Association as it was called at the time, I think.

**Mr. Gaya Prasad Singh :** Was not this Indian Lac Cess Association created as a result of legislation which was passed by this House ?

**Mr. G. S. Bajpai :** That is perfectly true ; but my Honourable friend ought to draw a distinction between legislation which was passed in 1923 and the legislation which was passed in 1930. It was legislation which was passed in 1930 which gave to the Governor General in Council the authority or the power to give approval to certain appointments carrying salaries of more than Rs. 500 a month which are made by the Committee.

#### CONTRACT SERVICE AT THE INDIAN LAC RESEARCH INSTITUTE.

385. **\*Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to the article in the *Searchlight*, Patna, dated the 22nd June, 1934, revealing the conditions of contract service at the Indian Lac Research Institute ?

(b) What is the policy followed by the Lac Cess Committee in the matter of renewal of contracts ? Is the work of the officers subjected to any scrutiny by scientific experts ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) In so far as there can be a general policy in regard to technical appointments of this character, it must be to renew the contract of service of an employee if his services have been satisfactory and his technical skill and experience are needed for a further period. None of the renewed contracts of research workers has yet expired. If the Honourable Member has in mind outside scrutiny, the answer to the second part of the question is in the negative.

#### JUDGING OF WORK IN THE INDIAN LAC RESEARCH INSTITUTE.

386. **\*Mr. K. C. Neogy :** Is there a single non-official Biochemist, Physical Chemist or Applied Chemist on the Lac Cess Committee to judge the value of the research work done by the Institute Biochemist and Physico-chemist or coordinate the work in England and America on the utilisation of lac in industries ?

**Mr. G. S. Bajpai :** The present Committee includes one Applied Chemist, but no unofficial Physical Chemist or Biochemist.

**Mr. K. C. Neogy :** Does it not come to this that it is these expert officers themselves who have to decide whether their contracts should be renewed or not ?

**Mr. G. S. Bajpai :** No, Sir, that is not so. The decision with regard to the renewal of contracts is that of the Committee in which only one of these officers, namely, the Director, is included.

**Mr. K. C. Neogy :** But, so far as the work carried on by these experts is concerned, am I not right in assuming that the judgment passed by

these officers themselves is taken as the basis for the decision of this Committee ?

**Mr. G. S. Bajpai :** I have already, in answer to a supplementary question asked on an earlier question, said that the question whether there should be an expert organisation in order to advise the Committee in regard to the nature of the work that is done by these people is being examined.

**Dr. Ziauddin Ahmad :** Is there any technical expert to whom these technical men like biochemists, etc., are responsible for their work, or do they judge for themselves whether the work done is satisfactory and thus decide their own cases ?

**Mr. G. S. Bajpai :** I have already answered that question, that apart from this one Applied Chemist on the Committee there is no one either on the Committee or associated with the Committee in order to express an opinion upon the work which is being done by these officers.

**Dr. Ziauddin Ahmad :** May I know whether this thing has proved to be a success in this case, that persons are responsible to themselves, and there is no one to judge whether the work done is good or not ?

**Mr. G. S. Bajpai :** That, Sir, is asking for an expression of opinion, but I have already answered the point involved in an earlier question.

#### CONTRACTORS FOR RAISING COAL FROM STATE RAILWAY MINES.

387. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that experienced mining men are ordinarily appointed as contractors for raising coal from State Railway mines ?

(b) Are minors, without mining experience, employed as contractors in the Railway mines and did the Chief Mining Engineer recommend to the Board any minor ? If so, will Government be pleased to state the reasons for such appointment of a minor and the recommendation by the Chief Mining Engineer ?

(c) Is it a fact that three of the big quarries of Kargali Colliery have been given to the lowest tenderer, who is a minor boy named Nagendra Prasad Singh, aged about 12 or 14 years only, and is the son of the late Contractor, Babu Ram Bilash Singh ?

(d) Is it a fact that this minor Contractor has been asked to start work before signing the agreement ? If so, why ?

**Mr. P. R. Rau :** (a) Yes.

(b) and (c). A tender in the name of Rambilas Nageshwar has been accepted for removing overburden and quarrying at Kargali Colliery. Government understand that this was a joint tender of Rambilas Singh, the existing Contractor, who has plenty of experience and his son.

(d) The Contractor will not start work before signing the agreement.

#### SAVING FROM COLLIERIES ON COAL RAISING.

388. **\*Mr. Amar Nath Dutt :** Will Government be pleased to state the saving that can be made from the collieries on coal raising and overburden clearing, per month and per annum, and whether any arrangements have been made to effect a saving ?

**Mr. P. R. Rau :** I lay a statement on the table showing the old rates and the new rates introduced on the 1st August, 1934.

## State Railway Collieries.

	Bhurkunda.		Jt. Bokharo.		Jt. Swang.			Kargali.		
	Per ton of coal raising.	Rs. a. p.	Per 1,000 cft. over-burden.	Per ton for coal raising.	Per 1,000 cft. over-burden.	Per ton for coal raising.		Per 1,000 cft. over-burden.	Per ton for coal raising.	
						Pits.	Incline.		Quarry.	Pits and Incline.
Old rates ..	1 12 0	Rs. a. p.	15—30	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs.	Rs. a. p.	Rs. a. p.
				1 2 0	15—30	1 2 0	1 6 0	10—50	1 2 0	1 7 0
New rates ..	*1 3 0		15	0 10 6	16	0 11 0	0 14 0	29	0 11 0	1 0 0

\* Anticipated when departmental working is introduced.

GIRIDIH COLLIERIES, E. I. R.

Joktisabad.

Remarks.

Deep pit.

Av. total cost per ton.

Rs. a. p.

Under Contractor ..

1 13 8.

Departmental ..

1 8 11.

Av. total cost per ton.

Rs. a. p.

2 0 8.

1 13 11.

Average reduction in rates for coal raising in the two pits at Giridih by introduction of Departmental working Re. 0/3/9 per ton (including the revision of the Departmental rates).

**PROTECTION FROM STRIKES AND RIOTS OF CERTAIN COLLIERIES.**

**389. \*Mr. Amar Nath Dutt :** Have Government adopted any measures to help the new contractors of the Bokharo, Karali, and Swang Collieries to protect them from strikes and riots ? If not, why not ? Are Government aware whether these strikes and riots are being fomented by disappointed contractors ?

**Mr. P. R. Rau :** In consultation with the Local Government, the Government of India have arranged for repatriation, where necessary of labour by grant of free passes by railways. The new contractors have also been assisted in taking over the labour of *ex*-contractors as far as practicable.

As regards the second part of the question, Government have no information. They have, however, forwarded a copy of the question to the local civil and railway authorities for their information.

**DEPARTMENTAL MANAGEMENT OF THE GIRIDIH COAL MINE.**

**390. \*Mr. Amar Nath Dutt :** (a) Do Government propose to work the Giridih Coal Mine departmentally ? If not, why not ?

(b) Are these mines gaseous and dangerous, and is efficient departmental management available near at hand ?

**Mr. P. R. Rau :** (a) The Giridih Coal Mine has recently been organised on a departmental basis.

(b) Government are informed that these mines are non-gaseous, and in the opinion of the experts employed by the Railway Administration, efficient departmental supervision is available.

**APPLICATION OF THE NEW SCALES OF PAY AND OF THE NEW LEAVE RULES.**

**391. \*Mr. S. G. Jog :** Will Government please state whether they have issued orders to the effect that the new scales of pay and the new leave rules shall not be made applicable to Government servants in service, (permanent or otherwise), on or before the 15th July, 1931 and who were not warned at the time of their appointment regarding the same and whose services have been continuous from that date ?

**The Honourable Sir James Grigg :** Under the Revised Rates of Pay Rules and the Revised Leave Rules, 1933, published in the Gazette of India of the 23rd September, 1933, and, 16th December, 1933, respectively, persons who were in Government service on or before the 15th of July, 1931, and, whose services have been continuous from that date, will not be governed by the new scales of pay and the new leave rules. The same applies to persons on probation on the 15th of July, 1931, who were subsequently confirmed in their service or post and who were not specifically warned to the contrary at the time of their appointment on probation.



## COMMISSION FOR EXCHANGE OF COINS IN BOMBAY.

392. \*Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether the merchants in Bombay are required to pay a lot of commission to the private Shroffs and Marwaries to get their small coins exchanged ? Is it a fact that no tenders of less than Rs. 100 of each kind are accepted for exchange by the Bombay Currency Office ?

(b) Has the minimum rate of Rs. 100 been fixed in all the Currency Offices in India ? If not, why is this fixed in Bombay ?

(c) Do Government propose to issue now instructions to the Bombay Currency Officer to change the rate in order to save the merchants from paying high rate of commission to the Marwaries and Shroff ? If not, why not ?

The Honourable Sir James Grigg : With your permission, Sir, I shall answer questions Nos. 392, 393, 475 and 476 together :

The necessary information is being collected and will be laid on the table in due course.

## ISSUE OF COPPER COINS FROM THE BOMBAY CURRENCY OFFICE.

†393. \*Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether it is a fact that no copper coins are issued by the Bombay Currency Office except in multiples of Rs. 50 ?

(b) Have the public to go to the Imperial Bank of India if they require copper coins for less than Rs. 50 ?

(c) Is the above practice followed in all the Currency Offices in India ?

(d) Is it not possible for the Bombay Currency Office to issue copper coins for less than Rs. 50 to avoid the great inconvenience caused to the public ?

394. \*Sardar G. N. Mujumdar : (a) Will Government be pleased to state if they are aware of the fact that great nuisance is caused to the third class passengers as most of the carriages, used on the Bombay Suburban Service of the Great Indian Peninsula Railway, leak during the monsoon ?

(b) Do Government propose to issue instructions to the Great Indian Peninsula Railway Administration to arrange to have all their third class carriages on the Suburban Service, painted every year, before the monsoon to avoid the nuisance of leakage during the monsoon ?

Mr. P. R. Rau : (a) Government are not aware that the facts are as stated.

(b) A copy of this question and of the reply thereto is being sent to the Agent, Great Indian Peninsula Railway, for such action as may be necessary.

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† For answer to this question, see answer to question No. 392.

**LEAKAGE OF CARRIAGES ON THE BOMBAY SUBURBAN SERVICE.**

†395\*.

**DELAY IN THE DELIVERY OF POSTCARDS, ENVELOPES, ETC., ADDRESSED IN HINDI IN THE PUNJAB.**

396. \*Bhai Parma Nand : (a) Is it a fact that post cards, envelopes, packets, etc., addressed in Hindi do not reach the addressees in the Punjab as soon as those addressed in Urdu ? If so, will Government be pleased to state whether postal employees in the Punjab are being required to pass any departmental test in Hindi to remove this grievance of the Hindu minority of the Punjab ?

(b) If the reply to the latter part of (a) be in the affirmative, will Government be pleased to state when the arrangements are expected to be complete in this respect ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be placed on the table of the House in due course.

**LEGISLATION ABOUT THE PURITY OF DRUGS USED BY MEDICAL MEN IN INDIA.**

397. \*Bhai Parma Nand : Is it a fact that some time ago, an all-India Committee was appointed to safe-guard the purity of drugs used by medical men in India ? If so, will Government be pleased to state when the findings of this Committee are to be carried into effect by means of suitable legislation on this subject ?

**Mr. G. S. Bajpai :** Yes. The Honourable Member is referred to the reply given to Mr. S. C. Mitra's starred question No. 38, on the 23rd August, 1933. The views of all the Local Governments were not received until February, 1934, since when the nature and scope of the action to be taken on the numerous recommendations of the Committee have been under consideration.

**INDIANS EMPLOYED AS POLITICAL AGENTS OR RESIDENTS OF INDIAN STATES.**

398. \*Bhai Parma Nand : Will Government be pleased to state the numbers of Indians employed as political agents or residents of Indian States within their own jurisdictions during the last three years, respectively ?

**Mr. H. A. F. Metcalfe :** None. So far there has been no Indian officer in the Political Department of requisite seniority and experience, except one who has been employed as Administrator of the Nabha State, since 1932.

**INCONVENIENCE FELT BY ILLITERATE INTERMEDIATE CLASS PASSENGERS IN MAIL TRAINS.**

399. \*Bhai Parma Nand : (a) Are Government aware that poor illiterate passengers who are used to travelling third class, have sometimes to travel intermediate class by mail trains on account of the exigencies of their business ?

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†This question was withdrawn by the questioner.

(b) Are Government also aware that these passengers find it very difficult to secure even seats in intermediate carriages by mail trains ?

(c) Are Government prepared to issue definite instructions to Railway guards to see at every Junction station that these passengers are not being put to any avoidable inconvenience ?

**Mr. P. R. Rau :** (a) and (b). It is possible that some passengers, who normally travel third class, have sometimes to travel in intermediate class, but Government are not aware that they are subject to any special difficulties when doing so.

(c) Guards have instructions to give their best assistance to all passengers entraining.

#### MIGRATION OF KABULI UNSKILLED LABOURERS TO INDIA.

400. **\*Bhai Parma Nand :** (a) Are Government prepared to enquire from various Local Governments whether it is a fact that there is a seasonal migration of Kabuli unskilled labourers to various parts of India ?

(b) If so, will Government be pleased to state whether it is a fact that this periodical increase of foreign labour affects the wages of indigenous unskilled labourers adversely ?

**Mr. H. A. F. Metcalfe :** (a) It is a fact that a seasonal migration of Ghilzai tribesmen takes place annually into India. This migration is a historical fact, and has become a well-established feature of the economy of Northern India, and Government see no reason to institute enquiries from Local Governments.

(b) Such Afghan tribesmen as engage in labour in India mostly undertake, by long usage, heavy manual work, such as the excavation of channels and the building of mud walls, and Government have no reason to think that their employment affects the wages of indigenous labourers adversely. On the contrary, there is reason to believe, that their assistance is readily welcomed by villagers, who are believed frequently to defer construction of such works until their arrival.

**Mr. Lalchand Navalrai :** May I know if these Kabulis come and create disturbance in India ?

**Mr. H. A. F. Metcalfe :** That does not appear to me to arise out of the question, but so far as I know, they do very good and honest work.

**Mr. Amar Nath Dutt :** Are Government aware that these Kabulis are a menace to the innocent Bengal villagers and that they often terrorise them and demand usurious rates of interest ?

**Mr. H. A. F. Metcalfe :** I think the Honourable Member is making a mistake. The Pathans who lend money to the Bengal villagers are quite distinct from Kabulis who come down to do heavy manual labour.

**INDIANS RECRUITED AS SOLDIERS OR SAILORS.**

401. \*Bhai Parma Nand : Will Government of India be pleased to state the number of Indians recruited in the various ranks of the Military and Marine Department, as soldiers or sailors, province by province and community by community, *i.e.*, Hindus, Muslims and Sikhs, during the last five years, respectively ?

**Lieut.-Colonel A. F. R. Lumby :** A statement containing the required information as regards soldiers of the Indian Army is laid on the table.

Similar information in respect of sailors of the Royal Indian Marine is being collected and will be laid on the table in due course.

*Statement showing numbers of Indian Soldiers enrolled during the five*

Provinces.	1st April 1929 to 31st March 1930.				1st April 1930 to 31st March 1931.			
	Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.
N. W. F. P. .. ..	..	..	1,085	1,085	..	..	909	909
Punjab .. ..	2,582	3,385	4,465	10,432	2,853	3,266	4,883	11,002
United Provinces .. ..	1,215	..	122	1,337	1,638	..	96	1,734
Bombay Presidency and Hyderabad (D).	1,078	..	219	1,297	1,214	..	155	1,369
Madras .. ..	481	..	54	535	638	..	41	679
Rajputana and C. I. ..	840	..	123	963	873	..	214	1,087
Nepal .. ..	1,727	..	..	1,727	2,564	..	..	2,564
Afghanistan .. ..	..	..	132	132	..	..	133	133
Total ....	7,923	3,385	6,200	17,508	9,780	3,266	6,431	19,477

years ending 31st March, 1934, by Provinces and by Communities.

1st April, 1931 to 31st March, 1932.				1st April, 1932 to 31st March, 1933.				1st April, 1933 to 31st March, 1934.			
Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.	Hindus.	Sikhs.	Musalmans.	Total.
..	..	738	738	..	..	1,083	1,083	..	..	827	827
2,399	3,104	5,132	10,635	3,027	2,765	5,274	11,066	2,386	2,675	4,467	9,508
1,183	..	150	1,333	1,407	..	112	1,519	1,260	..	150	1,410
947	..	87	1,034	853	..	60	913	686	..	61	747
402	..	79	481	295	..	60	355	315	..	64	379
663	..	131	794	929	..	128	1,057	727	..	140	867
1,947	..	..	1,947	1,863	..	..	1,863	1,485	..	..	1,485
..	..	122	122	..	..	..	..	..	..	..	..
7,541	3,104	6,439	17,084	8,374	2,765	6,717	17,856	6,839	2,675	5,709	15,223

**Mr. S. C. Mitra :** May I take it that the recent service award is strictly followed in the recruitment of soldiers and marine officers also ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I do not quite understand the question.

**Mr. S. C. Mitra :** May I take it that the Honourable Member knows that there has been an award about service for different communities in India and do they apply to the recruitment of soldiers and marine officers also ?

**Lieut.-Colonel A. F. R. Lumby :** That Resolution does not affect the Army at all.

**Mr. S. C. Mitra :** Why not ? Will the Honourable Member please explain if there are any vested interests and other special interests in the recruitment of these officers ?

**Lieut.-Colonel A. F. R. Lumby :** There is nothing communal about the recruitment of officers either for the Army or the Royal Indian Marine. As regards the recruitment of other ranks, there is a certain class composition laid down for the Indian Army and that is followed. As regards recruitment to the Royal Indian Marine at the present time, this is carried out in the areas where the best recruits are obtainable.

**Mr. B. V. Jadhav :** Is it not a fact that all of them are Muslims ?

**Mr. S. C. Mitra :** Is it because in the Army the Government care for efficiency and to keep up standards and not in the civil services ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I cannot answer that question, Sir.

**Bhai Parma Nand :** Is this Army not an all-India service, and does not the Resolution of the Government apply to it ?

**Lieut.-Colonel A. F. R. Lumby :** If I remember rightly, the Resolution definitely says that it does not refer to the military services : but only to the civil.

#### POST OFFICE CASH CERTIFICATES NOT CASHED OR RENEWED AFTER THE EXPIRY OF TWELVE YEARS.

402. **\*Bhai Parma Nand :** (a) Is it a fact that there are several postal cash certificates which have not been cashed even after the expiry of twelve years by their purchasers without any renewal ?

(b) Are Government aware that this is due to the fact that some of these purchasers have died sudden deaths, without letting their heirs know anything about their having bought these postal cash certificates ?

(c) Does the money of these purchasers invested in these postal cash certificates lapse to Government without being claimed by their survivors ?

(d) Is it a fact that this state of affairs can be easily mended if purchasers of postal cash certificates be made to declare, in their printed application forms, the names of their heirs to whom the money is to be paid by the postal authorities in case of their deaths ?

(e) Will Government be pleased to state the number of postal cash certificates lying uncashed in Government Post Offices even after the

expiry of twelve years on the 31st March, 1934, and the amount of money thus unclaimed ?

(f) Will Government be pleased to state whether they propose to issue suitable instructions to postal authorities to have the money of these postal cash certificates handed over to the survivors of the deceased purchasers through Magistrates or Tahsildars ?

**The Honourable Sir James Grigg :** (a), (b) and (c). Post office cash certificates are kept by the purchasers in their own custody and are not kept in post offices. The information desired by the Honourable Member is not therefore available.

(c) No. The money is payable to the heirs of deceased holders at any time, if they can establish their claim.

(d) I would invite the attention of the Honourable Member to the reply given on the 7th of November, 1931, to part (c) of question No. 1252 asked by Lala Hari Raj Swarup.

(f) Government do not consider it necessary to alter the existing procedure.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if any notice is given to persons who hold these certificates before they lapse to Government ?

**The Honourable Sir James Grigg :** If the Honourable Member will read my answer, he will see that they do not lapse to Government. The money is payable to the heirs of the deceased holders at any time, if they can establish their claim.

#### FAILURE OF INDIAN INSURANCE COMPANIES.

403. **\*Bhai Parma Nand :** (a) Will Government be pleased to state the number of Indian insurance companies which failed in India during the last ten years ?

(b) Are Government prepared to enquire from official and non-official experts how far defective legislation has been responsible for the failure of these companies ?

**The Honourable Sir Joseph Bhore :** (a) Eleven Indian Life Assurance Companies went into liquidation during the period from 1924 to date, and one Indian company, transacting insurance business other than life assurance business, went into liquidation since the passing of the Indian Insurance Companies Act, 1928.

(b) As the Government of India propose taking steps in the near future to consider the desirability of amending the existing insurance law in India, they do not consider it necessary to institute separate enquiries in the matter.

#### GRANT OF CONCESSIONS TO THE STUDENTS OF THE DEPRESSED CLASSES IN THE DELHI UNIVERSITY.

404. **\*Bhai Parma Nand :** Are Government aware that the Nagpur University has extended certain concessions to students of depressed classes on their admission to their various examinations ? If so, will Government



be pleased to state whether the University of Delhi proposes to move in this direction ?

**Mr. G. S. Bajpai :** The answer to both parts of the question is in the affirmative.

**MEMBERS OF DEPRESSED CLASSES EMPLOYED AS PEONS IN THE RAILWAY AND POSTS AND TELEGRAPHS OFFICES.**

405. **\*Bhai Parma Nand :** (a) Will Government be pleased to state the number of members of depressed classes employed as peons (chaprasis) in Railway and Post and Telegraph offices, respectively, in various provinces of India on the 31st March, 1934 ?

(b) If the number of the chaprasis belonging to depressed classes be small in proportion to the numerical strength of the community, will Government of India be pleased to state what steps they intend to take in this matter for the future ?

**Mr. P. R. Rau :** (a) The information is not available and Government consider that its collection will involve an amount of time and labour which is unlikely to be justified by results.

(b) The policy of Government on this question is laid down in the Home Department Resolution of the 4th July, 1934, copies of which are available in the Library.

**USE BY MEMBERS OF THE DEPRESSED CLASSES OF PLATFORMS OF GOVERNMENT-OWNED WELLS.**

406. **\*Bhai Parma Nand :** (a) Will Government be pleased to state whether platforms of Government owned wells situated on such public grounds as those of tehsils, courts, schools, hospitals, police stations, etc., are open, in actual practice, to the use of such depressed classes as Bhangis (sweepers) and Chamars (leather-workers) within the territories administered direct by the Central Government in case when these subjects of the Crown do not happen to be engaged in their professional work of scavenging or flaying dead bodies ?

(b) If the reply to part (a) be in the negative, do Government propose to issue definite instructions in this connection to the officers in charge, and if so, are they prepared to take steps to ensure that their instructions are carried into effect by their subordinates ?

**The Honourable Sir Henry Craik :** (a) and (b). The information asked by the Honourable Member in part (a) has been called for, and a reply to both parts of the question will be laid on the table of the House in due course.

**EVIDENCE BEFORE THE TARIFF BOARD ON THE PROTECTION OF STEEL.**

407. **\*Mr. B. Das :** (a) Will Government be pleased to state if the evidences—both written and oral—before the Tariff Board on Steel Protection will be available before this House takes up the discussion of the Steel Protection Bill ?

(b) If the evidences cannot be published in time, will Government be pleased to place on the table the original copies of evidences for reference of Honourable Members ?

**The Honourable Sir Joseph Bhore :** (a) and (b). Spare copies of the evidence, as far as available, were placed in the Library of the Legislature on the 31st July. A complete set will be available to members of the Select Committee, and all Honourable Members will also have access to that set, when the House takes up the consideration of the Select Committee's Report on the Bill.

EVIDENCE BEFORE THE TARIFF BOARD.

408. **\*Mr. B. Das :** In view of the unusual delay in the matter of publication of evidences before the Tariff Board, do Government propose to direct the Tariff Board to secure four additional copies of all memoranda and representations for use of the Members of this House ?

**The Honourable Sir Joseph Bhore :** The suggestion made by the Honourable Member will receive consideration in connection with future enquiries undertaken by the Tariff Board.

PROPOSAL FOR THE REMOVAL OF THE PUSA AGRICULTURAL INSTITUTE.

409. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following remarks published in the editorial article in the *Times of India*, dated the 20th July, 1931, regarding the proposal for the removal of the Pusa Agricultural Institute :

“ In these days, when it is so difficult to get even the smallest sum for beneficial State activities, it is right and proper, that an estimated outlay of Rs. 36 lakhs for the transfer of the Institute, should be very critically regarded. Estimates of cost, particularly when they are put up by those supporting a scheme, naturally tend to be conservative. It is an open question whether the sum of Rs. 36 lakhs would be the end of expenditure on the transfer suggested ” ?

(b) Has the attention of Government been drawn to the same editorial article, regarding the supposed inaccessibility of Pusa :

“ Those of us who know our India would not regard such disabilities in too serious a light. They may sound rather tragic to people accustomed to the accessibility of all corners of England, but in this country such difficulties of access can be taken almost as a matter of course not only in getting to Pusa, but in getting to many other parts ” ?

(c) In the light of the above remarks, do Government propose to revise their proposal ?

**Mr. G. S. Bajpai :** (a) and (b). Yes.

(c) Government have decided, after reconsideration, to adhere to their proposal.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if it is not a fact that before the earthquake, students took very little advantage of this Institute and very few students attended at Pusa, because it was not centrally situated ?

**Mr. G. S. Bajpai :** That is what I understand.

**Mr. Gaya Prasad Singh :** Is this Institute open for students to be admitted ? It is only a Research Institute.

**Mr. G. S. Bajpai :** No ; in addition to research work, they undertake post-graduate instruction.

**Maulvi Muhammad Shafee Daoodi :** Has there been any paucity of students at Pusa ?

**Mr. G. S. Bajpai :** I do not quite know what my Honourable friend means by paucity of students : the number of students, as far as I know, has never been zero, but I gather that the Institute has not been quite so popular as it would have been if it had been more centrally situated.

**Maulvi Muhammad Shafee Daoodi :** Does the Honourable Member mean that the required number of students was not available in any of these years ?

**Mr. G. S. Bajpai :** I do not quite know what my Honourable friend means by "required". It is not the case that the Institute requires a fixed number of students to go to the Institute. There are students who apply for admission to the Institute and naturally the number that apply, after consideration of their qualifications, are admitted. The point I was making was that because of the inaccessibility of Pusa, as many students were not applying as would have been the case otherwise : that opinion is based upon what I have been told by Directors in the Provinces.

**Mr. Vidya Sagar Pandya :** Is that also one of the reasons for removing the Institute from Pusa to Delhi ?

**Mr. G. S. Bajpai :** I think the reasons for removing the Institute from Pusa to the vicinity of Delhi have been stated in the memorandum presented to the Standing Finance Committee, a copy of which I laid in the Library in reply to a question asked by my Honourable friend, Mr. Gaya Prasad Singh, some time this Session.

**Sir Abdur Rahim :** Has this question been finally disposed of by the Government of India ?

**Mr. G. S. Bajpai :** I would invite the attention of my Honourable friend to what I said just now—"Government have decided, after reconsideration, to adhere to their proposal".

**Sir Abdur Rahim :** Does it mean that they have made up their mind finally and decided the question ?

**Mr. G. S. Bajpai :** What it means is that, so far as they are concerned, they adhere to their proposal.

**Sir Abdur Rahim :** Who else is concerned in the matter, may I know ?

**Mr. G. S. Bajpai :** There were a series of questions asked sometime ago, I think, on the question as to whether the Assembly would have an opportunity of discussing this matter or not.

**Sir Abdur Rahim :** I want to know whether it will serve any purpose so far as the Government of India are concerned for this matter to be discussed in the Assembly.

**Mr. G. S. Bajpai :** Why not ?

**Sir Abdur Rahim :** That is why I wanted to know if the Government had finally decided the question.

**Mr. G. S. Bajpai :** What I have said in my reply to the question is : "Government have decided, after reconsideration, to adhere to their proposal."

The proposal is to transfer the Institute from Pusa to the neighbourhood of Delhi. That proposal is still before the Standing Finance

Committee. The Standing Finance Committee has not pronounced upon it. What the attitude of Government will be after the Standing Finance Committee and the Legislature have pronounced upon the subject is a question upon which I cannot give any answer just now.

**Sir Abdur Rahim :** Then there is room for reconsideration ?

**Mr. G. S. Bajpai :** There is certainly room for an expression of opinion by the Standing Finance Committee and the Legislature, and I do not think I need tell my Honourable friend that views expressed by the Committee and the Legislature always receive the most careful consideration of the Government.

**Mr. S. C. Mitra :** Will Government please explain, in view of the fact that that question is going to be discussed in the Assembly very soon, why they reconsidered and decided to adhere to their old decision ? Is it not an affront to the Assembly ?

**Mr. G. S. Bajpai :** I did not say that they have decided to adhere to their decision. The stage of decision is reached after the proposal which they have put before the Standing Finance Committee has been pronounced upon by the Standing Finance Committee. All that I said was that, after consideration of the passages in the newspapers, to which my Honourable friends have referred, and other criticisms, Government have decided to adhere to their proposals.

**Mr. S. C. Mitra :** Then, we take it that Government will reconsider their former proposal before coming to a final decision. Then, what is the meaning of saying they will adhere to their proposal ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Government for the present stick to their proposal, but the decision on the subject may be reached after an expression of opinion by the Legislature on the subject.

**Mr. S. C. Mitra :** What was the urgency in revising their decision and adhering to their proposal, knowing full well that the question would be raised in the Assembly in a day or two.

**Mr. G. S. Bajpai :** My friend, Sir, it appears to me, has not appreciated the distinction between a proposal and a decision. I have said that we have decided to adhere to our proposal. (Laughter.)

**Sir Abdur Rahim :** May I know if the approval of the Secretary of State was sought by the Government of India to their decision or to their proposal and that the Secretary of State has given his approval ? If so, does not that settle the matter once for all ?

**Mr. G. S. Bajpai :** Sir, if my friend will look at the telegram, of which a copy was placed on the table of this House some time ago, he will find that the word used in the telegram to the Secretary of State is " proposal ".

**Sir Abdur Rahim :** Proposal by the Secretary of State or by the Government of India ?

**Mr. G. S. Bajpai :** Naturally in the telegram to the Secretary of State the proposal will be the proposal of the Government of India and not of the Secretary of State.

**Sir Abdur Rahim :** And that after it is approved by the Secretary of State, it will not be subject to any revision by the Assembly or by the Government of India which is a subordinate Government ?

**Mr. G. S. Bajpai :** It is not a question of a subordinate Government. I think the constitutional position in regard to the rights of this House was fully gone into by the series of supplementary questions that were asked, I think, on the third day of this Assembly.

**Sir Abdur Rahim :** Sir, there is a motion standing in my name with reference to this particular question. All that I am anxious to know is whether it is worth while either to the House or myself to discuss the matter if the Government have made up their minds already in the matter. That is all I want to know.

**Mr. G. S. Bajpai :** I have already stated, Sir, that the views or intentions of Government are undoubtedly subject to reconsideration in the light of the verdict of this House if this matter is discussed.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether Government will pass the proposition that the Pusa Institute be transferred from Pusa to Delhi ?

**Mr. G. S. Bajpai :** I am afraid I could not follow the question.

**Mr. M. Maswood Ahmad :** Will Government be pleased to state whether, in taking votes on this question, they will take the help of the official votes as well ?

**Mr. G. S. Bajpai :** That is a question really for the Leader of the House.

## UNSTARRED QUESTIONS AND ANSWERS.

### ALLOTMENT OF QUARTERS TO NON-MIGRATORY STAFF IN NEW DELHI.

29. **Seth Liladhar Chaudhury :** (a) Is it a fact that it is the practice to allot Government quarters in Delhi on the basis of the highest revenue to be derived ? If so, why is it that preference is given to the migratory (moving) staff of the Government of India, over the non-migratory staff ? Is it not a fact that the latter normally contribute a higher revenue ?

(b) Is it a fact that those members of the migratory staff who are not provided with quarters in New Delhi during the winter season receive a separation allowance ? Is it also a fact that the staff of certain offices (e.g., Army Headquarters), who do not get quarters in New Delhi, are given quarters in Old Delhi and paid a conveyance allowance to cover distance ? If so, why is it that similar treatment is not accorded to the non-migratory staff ?

(c) Are Government prepared to take steps to ensure equal treatment to the non-migratory staff in the matter of an allowance, or, in the alternative to provide quarters for the whole season to those who are yearly residents of Delhi ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) No. The method of allotment is stated in the rules, a copy of which will be found in the Library. Preference is not given to the migratory over the non-migratory staff

in the matter of allotments. The quarters available are distributed between the two classes on a *pro rata* basis. It is, of course, true that a tenant who pays rent throughout the year pays a larger sum than a tenant who is in occupation for the Delhi Season only.

(b) and (c). Such of the migratory staff of the Secretariat and Attached Offices, as are entitled to free "family" accommodation in Simla or receive house-rent allowance in lieu, and who, for want of accommodation, do not take their families to Delhi, are paid an allowance in order to compensate them for the inconvenience and extra expenditure involved in maintaining two establishments and for transporting their families to places other than Delhi. Those who draw this allowance are not granted any family travelling allowance for the moves to and from Delhi. There is clearly no justification for granting a similar allowance to the non-migratory staff.

As regards the conveyance allowance, for which only the migratory staff are eligible, the Government's policy, as has been stated before in this House, is rigidly to oppose the extension of this concession. The provision of additional Government quarters in New Delhi will, as time goes on, permit Government to do away with the allowance altogether. Government are providing quarters sufficient, with those already existing, to accommodate approximately 87 per cent. of the clerical establishment.

#### EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

30. **Seth Liladhar Chaudhury** : (a) Will Government please state whether an examination for recruitment of lower division clerks was held by the Postmaster, Lahore, about two months ago ?

(b) What was the number of candidates who were allowed to appear at this examination ?

(c) Was the son of the Head Clerk, Staff ' B ' Section, of the office of the Postmaster-General, Lahore, one of the candidates ?

(d) What was the merit of the candidate referred to in part (c) above in the result of the examination ?

(e) Was the examination cancelled ? If so, why ? Was it not done on the suggestion of the Head Clerk referred to in part (c) above ?

**The Honourable Sir Frank Noyce** : The questions Nos. 30, 31, 32 and 33 are dealt with together.

Government have no information. The matter is one with which the Postmaster-General, Punjab and North-West Frontier Circle, to whom copies of the questions are being sent, is competent to deal.

#### EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.

†31. **Seth Liladhar Chaudhury** : (a) Was the Postmaster, Lahore, directed to hold for the second time an examination for recruitment of lower division clerks, and was he not given clear instructions regarding

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†For answer to this question, see answer to question No. 30.

irregularities, if any, committed by him in the first examination held for the same purpose ?

(b) What was the number of candidates allowed to appear at the second examination ?

(c) Why was a lesser number of candidates allowed to appear at the second examination than at the first ?

(d) Is it a fact that the son of the Head Clerk, Staff 'B' Section, of the office of the Postmaster-General, Lahore, could not appear at this examination due to illness ?

(e) Was this second examination cancelled at the suggestion of the Head Clerk, referred to in part (d) above ? If so, why ?

**EXAMINATION FOR RECRUITMENT OF LOWER DIVISION CLERKS IN THE PUNJAB POSTAL CIRCLE OFFICE.**

†32. **Seth Liladhar Chaudhury :** (a) Has an examination now been held on the 6th July, 1934, in the Circle Office, Lahore, for recruitment of lower division clerks ?

(b) What was the number of notices issued to candidates for this third examination and of candidates who actually turned up ?

(c) Is it a fact that the notices to the candidates for this examination were issued from the Circle Office under registered covers only on the 3rd July, 1934 ?

(d) What were the reasons for this short notice of one or at the most two days ? Was it not due to the suggestion of the Head Clerk, Staff 'B' Section of the office of the Postmaster General, Lahore ? If so, why ?

(e) Is it a fact that applications from certain officials in the Circle Office, requesting their sons being permitted for this examination, were either not entertained or refused ?

(f) Will Government please state whether successive cancellation and holding of the examination in the Circle Office over the head of the Postmaster, Lahore, in higher grade than the Assistant Postmasters-General who held the examination, has ever been done before ? If not, what were the special circumstances for ignoring the Postmaster, Lahore, and for holding the examination in the Circle Office for filling up vacancies in the Lahore General Post Office ?

(g) Is it a fact that the said Head Clerk unnecessarily entered the examination room a number of times on one plea or the other and had ultimately to be warned by one of the Examiners (Assistant Postmaster-General) to quit the examination hall till the examination was finished ?

(h) Is it a fact that according to the standing orders of the Director General, Posts and Telegraphs, an official personally interested and concerned in a case, in any way, is prohibited from dealing with that case ?

(i) If the reply to part (h) above be in the affirmative, why did the said Head Clerk deal with this case of examinations ?

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†For answer to this question, see answer to question No. 30.

**EXAMINATION FOR RECRUITMENT OF CLERKS IN THE RAILWAY MAIL SERVICE,  
" L " DIVISION.**

†33. **Seth Liladhar Chaudhury :** (a) Was a son of the Head Clerk, Staff ' B ' Section of the office of the Postmaster-General, Lahore, specially permitted to sit at the recruitment examination recently held by the Superintendent, Railway Mail Service, ' L ' Division, in preference to the claims of the candidates on the waiting list of the Railway Mail Service of that Division, and is it a fact that he failed there ?

(b) Is it a fact that the undue favouritism referred to in part (a) above was brought to the notice of Government through an article in the *Daily Herald*, dated the 19th June, 1934, and if so, what action was taken in the matter ?

(c) Has this examination held by the Superintendent, Railway Mail Service, ' L ' Division, also been cancelled ?

(d) Is another son of the said Head Clerk already employed in the office of the Postmaster-General, Punjab and North-West Frontier Circle ?

(e) If the reply to part (c) above be in the affirmative, why are favours being extended to the sons of the said Head Clerk, when sons of many deceased employees in dire circumstances and deserving of sympathy, are crying for appointments since a long time ?

(f) Is it a fact that the rights of a number of candidates who passed sufficiently high to secure appointments in the two examinations held by the Postmaster, Lahore, and one by the Superintendent, Railway Mail Service, ' L ' Division, have been unjustly usurped ? If so, how do Government propose to remedy this ?

(g) If the replies to the preceding parts indicate an irregular and unprecedented procedure and favouritism, what action have Government taken, or intend to take, against the officials responsible for it ?

**STOPPAGE OF THE INCREMENT OF A TELEGRAPHIST IN THE PUNJAB POSTAL  
CIRCLE.**

34. **Seth Liladhar Chaudhury :** With reference to starred question No. 234 put by Bhai Parma Nand on the 24th February, 1934, and the reply given by the Honourable Sir Frank Noyce, regarding the stoppage of the increment of a Telegraphist in the Punjab Postal Circle, will Government please state what action, if any, has been taken by the Local authority concerned ?

**The Honourable Sir Frank Noyce :** Government have no information and do not propose to obtain it as the matter is one which it is within the competence of the Head of the Circle concerned to dispose of finally.

**DISPOSAL OF THE STAFF CASES OF THE PUNJAB POSTAL CIRCLE OFFICE AND  
OF THE DEAD LETTER OFFICE, LAHORE.**

35. **Seth Liladhar Chaudhury :** (a) Will Government please state whether it is a fact that according to the Standing Orders of the Director-General, Posts and Telegraphs, in Posts and Telegraphs Circles

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†For answer to this question, see answer to question No. 30.



where there are two Deputy Postmasters-General, the staff cases should be dealt with by one Deputy Postmaster-General and Establishment cases by the other, and that the Establishment cases in the Punjab and North-West Frontier Circle are assigned to the Senior Deputy Postmaster-General and Staff cases to the junior ?

(b) If the reply to part (a) above be in the affirmative, will Government please also state why the Staff Cases of the Punjab Circle Office and of the Dead Letter Office, Lahore, are assigned to the Senior Deputy Postmaster-General, when he is in charge of Establishment cases ?

**The Honourable Sir Frank Noyce :** (a) There is no standing order of the Director-General, Posts and Telegraphs, such as that mentioned by the Honourable Member.

(b) Does not arise.

#### PREPONDERANCE OF MUSLIMS IN CERTAIN CADRES IN THE DERAJAT POSTAL DIVISION.

**36. Seth Liladhar Chaudhury :** With reference to the replies to unstarred questions Nos. 85 and 87, put by Bhai Parmanand on the 24th February, 1934, will Government please state what steps they have taken, or propose to take, to remove the preponderance of Muslims in the cadre of staff in the Telegraph Engineering Department and amongst Branch Postmasters, Mail Overseers, Postmen, and Inferior Servants in the Derajat Division ?

**The Honourable Sir Frank Noyce :** Government have not taken, nor do they propose to take, any special action except to ensure that their orders regarding communal recruitment, as in force from time to time, are carefully observed.

#### TOURS OF THE POSTMASTER GENERAL AND THE SENIOR DEPUTY POSTMASTER GENERAL, PUNJAB AND NORTH-WEST FRONTIER CIRCLE.

**37. Seth Liladhar Chaudhury :** Will Government please state :

- (a) if the Postmaster-General, Punjab and North-West Frontier Circle, is working at Simla for the last one month ;
- (b) whether the Senior Deputy Postmaster-General, Punjab and North-West Frontier Circle, had also officially visited Simla in July 1934 ;
- (c) whether there are standing orders that when a senior officer is already at a station, no junior officer is to pay an official visit to that station except in exceptional circumstances ;
- (d) the object of the visit of the Senior Deputy Postmaster-General to Simla and the expense involved on account of his travelling allowance ;
- (e) whether the Senior Deputy Postmaster-General also visited Abbottabad lately when the Postmaster-General was also on tour in that place ;
- (f) the object of the visit of the Senior Deputy Postmaster-General to Abbottabad ; and
- (g) whether the official duty performed by the Senior Deputy Postmaster-General at Simla and Abbottabad could not be performed by the Postmaster-General ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be laid on the table in due course.

**GAZETTED OFFICERS DUE TO RETIRE IN THE GOVERNMENT OF INDIA OFFICES.**

**38. Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state how many gazetted officers, Indians and Europeans, in the Government of India Secretariat and its attached and subordinate offices are due to retire during the next eight or nine months ?

(b) Is it a fact that some of them are to be re-employed on special duty ?

(c) If the answer to part (b) above be in the affirmative, will Government please state their names and also give reasons for their re-employment ?

**The Honourable Sir Henry Craik :** The information is being collected and will be furnished to the House in due course.

**PAPERS OF WHICH AN INCOME-TAX ASSESSEE IS NOT ENTITLED TO HAVE A COPY.**

**39. Mr. Sitakanta Mahapatra :** Will Government please lay on the table of this House a list of the papers in an assessment file of which the assessee is not entitled to have a copy ?

**The Honourable Sir James Grigg :** I would refer the Honourable Member to the answer given in reply to his question No. 317, on the 31st July, 1934.

**INCREASE IN THE IMPORT DUTY ON PROJECTORS, AMPLIFIERS AND LOUD SPEAKERS, ETC.**

**40. Mr. B. V. Jadhav :** Will Government be pleased to place on the table a copy of the order increasing the import duty on projectors, amplifiers, loud-speakers, etc., when imported as one unit for use in cinema theatres for the reproduction of sound films from 10 to 20 per cent. on British machinery and from 10 to 30 per cent. on non-British machinery ?

**The Honourable Sir James Grigg :** No such order has been issued by the Government of India. Enquiries are, however, being made from Collectors of Customs and the result will be laid on the table in due course.

**REVENUE AND EXPENDITURE OF INDIA.**

**41. Sir Hari Singh Gour :** (a) Will Government be pleased to state in a tabular form Revenue and Expenditure, year by year, from 1921 to the latest year, the figures for which are available, showing the additional new taxation levied in each year ?

(b) Will Government be pleased to lay on the table a similar statement relating to the provinces ?

**The Honourable Sir James Grigg :** (a) A statement is attached. The figures in the last column of the statement represent the yield estimated at the time of the imposition of the taxation. It is not possible to calculate the actual yield.

(b) Figures of provincial revenue and expenditure are given in Accounts Nos. 8 and 9 of the Finance and Revenue Accounts of the Government of India, copies of which are available in the Library. Information regarding the yield from additional taxation levied by the provinces is not available.

*Statement showing Revenue and Expenditure of the Central Government from 1921-22 and the Estimated yield from new or increased Taxation imposed during each year.*

(In lakhs of rupees.)

Year.	Revenue.	Expenditure.	Estimated yield of new or increased taxation imposed during the year.
1921-22 ..	1,15,21	1,42,86	12,13
1922-23 ..	1,21,41	1,36,43	12,84
1923-24 ..	1,33,17	1,30,78	4,28
1924-25 ..	1,38,04	1,32,36	—4,50
1925-26 ..	1,33,33	1,30,02	{ —71 in 1925-26. —1,75 in a full year.
1926-27 ..	1,31,70	1,31,70(a)	....
1927-28 ..	1,27,26(b)	1,27,26	{ —42 in 1927-28. —82 in a full year.
1928-29 ..	1,28,98(c)	1,29,30	....
1929-30 ..	1,32,69	1,32,42	83
1930-31 ..	1,24,60	1,36,18	4,96
1931-32 ..	1,21,64	1,33,39	Original Finance Bill .. 13,27 Supplementary Finance Bill .. 7,55 for 6 months in 1931-32. 15,01 in one full year.
1932-33 ..	1,26,40	1,24,85	....
1933-34 .. (Revised).	1,19,31	1,19,31(d)	....
1934-35 .. (Budget).	1,19,71	1,19,61(e)	2,83

(a) Includes 2,96 on account of transfer to Revenue Reserve Fund.

(b) .. 2,22 on account of transfer from Revenue Reserve Fund.

(c) .. 74 on account of transfer from Revenue Reserve Fund.

(d) .. 1,29 on account of transfer to Earthquake Fund.

(e) .. 1,51 on account of transfer of share of jute export duty, etc.

## MESSAGE FROM H. E. THE GOVERNOR GENERAL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have  
12 Noon. got to deliver a Message to the House :

(The Message was received by the Assembly standing.)

“ Gentlemen of the Assembly,

You are naturally anxious to be informed of the course which will be adopted with a view to the constitution of a new Assembly. There appears to be a general impression that it will rest with Lord Willingdon to dissolve the existing Assembly as a preliminary to the constitution of its successor. This impression is erroneous. The power of extension conferred by clause (b) of the proviso to sub-section (1) of section 68D of the Government of India Act having been exercised, the power of dissolution, conferred by clause (a) of that proviso, is not available for the dissolution of the Assembly in the period intervening between the expiration of its normal life and the date to which it has been extended. Consequently, the present Assembly will remain in existence until the 31st December, 1934, but with a view to the constitution of the new Assembly in time to admit of the commencement of its first Session in January next, resort will be had to the power conferred by the proviso to sub-rule (2) of rule 27 of the Legislative Assembly Electoral Rules which enables the Governor General to issue notifications calling upon constituencies to elect Members at any time not being more than three months prior to the date on which the duration of the Legislative Assembly would expire in the ordinary course of events. In the exercise of this power, the Governor General will issue the notifications in question in respect of the constituencies of each Province on such date early in October as will accord with the electoral programme contemplated in the Province and polls will be taken on dates varying slightly from Province to Province within the first half of November.”

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## THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932.

**Rao Bahadur B. L. Patil** (Bombay Southern Division : Non-Muham-  
madan Rural) : Sir, I beg to move :

“ That after clause 2 of the Bill, the following new clause be added :

“ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted.”

Sir, the procedure laid down in the local Act for the arrest and detention of persons is not only summary but most unsatisfactory. There are two sections in the local Act under which arrest and detention can be made. Under section 2, sub-section (1), the Local Government can arrest and detain a person if in their opinion such an act is essential for the purposes and reasons stated in that section. In the second place, section 4 of that Act also empowers any officer of that Local Government, provided that officer is specially empowered in this respect, to make such arrest. Sir, the provisions of section 4 of that local Act require scrutiny. It is not stated to what grade of officers that power would be delegated by the Local Government. Then, Sir, it is well-known that in these matters it is the police officers who are empowered to make arrests, and such police officers may be even petty and small. Apart from corrupt and malicious motives, there may be overzeal on the part of such officers in making arrests. If by chance such an officer first makes an arrest, then it is but natural for him to adhere to his view and opinion and try to collect more

[Rao Bahadur B. L. Patil.]

evidence against the person. All the safeguards laid down in the section, in my opinion, will not be sufficient to protect the unfortunate victims. We must remember that these persons are arrested and detained merely on suspicion and not anything like judicial evidence. Let me advert to the procedure that the Local Government follows in verifying the reports of such officers. The other day the Honourable the Home Member, who honourably filled the post of Home Member in the Punjab, said in this Assembly that he was always very careful in verifying these reports and he got them confirmed and that he was fully satisfied. But may I ask him whether it is possible for him, or for the matter of that, for any Home Member in any Province, or for the matter of that, any District Magistrate to personally verify and come to a right conclusion and lay his hands upon his breast and say that the facts stated in the report were correct? In my humble opinion, it is impossible. These officers will have to follow the report in many cases blindfold. This is one of the reasons why I submit that the power of the High Court to direct the production of persons detained should be retained and should not be taken away.

Then, Sir, Government have assigned two reasons for taking away this power from the High Court. The first is that, under the circumstances obtaining in Bengal, they want to substitute executive discretion for that of the judicial. The second reason is that in the nature of things the evidence in such cases cannot be disclosed. May I ask whether the executive enquiry that is provided in the local Act is in any sense sufficient or judicial? The enquiry may be made by the executive, but I submit that it must be judicially done. Are there sufficient provisions in the local Act to assure that? If you just turn to section 9 of the local Act, you will find that some sort of, I should say, summary scrutiny is provided. Under that section, the facts collected, and the circumstances noted against the persons will be placed before two officers of the grade of Sessions Judge or Additional Sessions Judge, and also the answers given to the allegations made against them by the Government on those facts and circumstances. Then, the officers will have to consider these materials and submit their report. Here there are two points to be considered. Is the person concerned given any opportunity to meet those allegations in person? The only opportunity he gets is to submit his written answers to the allegations made. With regard to the report submitted by the officers, nobody would know what it would be, and then the Local Government is not bound to follow it. The Government may or may not accept it. This is most unfair. In my opinion, if Government want to safeguard the liberties of these persons, they must at least agree to accept the opinion of the officers whom they have themselves appointed. I need not mention that the whole of this procedure is confidential. This is my second reason why the power of directing the production of these persons should not be taken away.

Let me now come to the provisions of section 491 of the Criminal Procedure Code. Section 491 simply provides that the High Court has power to direct that any person illegally or improperly detained should be produced before it. What is the scope of this section? It merely gives power to the High Court to see whether the arrest and detention are made under law and whether the person is properly imprisoned. What does it mean? The High Court has no other power except to see that

the provisions of the particular law are complied with. That is the only power ; but the other day the Honourable the Law Member assured this House that the High Court has power to go into the record and see whether the provisions of the law are complied with or not in spite of the retention of this barring clause. Therefore I submit that section 4 of the Act of 1932 is either superfluous or mischievous. It is superfluous for the reason that the power under section 491 is there whether such a barring clause is there or not. It is mischievous for the reason that if the High Court had already such a power, why should a barring clause like this should be inserted in the Bill ? For these reasons I submit that the Government should not sit adamant, but agree to adopt this amendment. A number of Honourable Members have raised this question on this side of the House and Government have replied on all those occasions and stuck to their view. But we on this side of the House are not at all convinced by the reasons given by the Government, and, especially in view of the fact that the provisions of the local Act as well as the provisions of Act VIII of 1932 are now made permanent, I submit that it is most unfair that the power of the High Court to issue a writ of Habeas Corpus should be taken away. May I also submit that, in this country, not only the educated classes, but even the masses have implicit faith in the fountain head of justice as lying in the High Court. Therefore, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That after clause 2 of the Bill, the following new clause be added :

‘ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted ’.”

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I do not desire to take up the time of the House—not that there are too many here—by repeating the arguments I have advanced before. I have heard my Honourable friend, Mr. Patil, say that he has not been convinced. If he has not been convinced, I dare say, my paraphrasing the same arguments in a different language will not convince him. I do not want to detain the House by repeating arguments which I have already advanced on a previous occasion when I went into the matter at some length. I shall only point out, with great respect, the amount of confusion in the mind of my Honourable friend, Mr. Patil, in the contentions which he has put forward before this House today, for instance the argument based on the overzeal of the lower police officials. What has that got to do with the matter ? If the police has gone wrong and if the Government have come to a wrong opinion, it is possible by reason of the Bengal Act, because the suspect has no chance of having recourse to a Court of law, but we are not concerned with that. This House is not doing something by which the overzeal of the police officer is being confirmed. That is done by the local executive and that is done by virtue of an Act which has been passed by the Bengal Legislature. I do not desire to take up the time of the House further. I took more time on the last occasion than I wanted to. I oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That after clause 2 of the Bill, the following new clause be added :

‘ 3. Section 4 of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, shall be omitted ’.”

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I move :

“ That the Bill be passed.”

I do not desire at this stage and after the very lengthy debates that have taken place to make a speech on this motion. I was not, of course, in this House during those debates, but I have spent many hours reading, I think I may say, conscientiously, every word that has been uttered in this House during the three days debate on this Bill, and with the best will in the world I cannot find anything new whatever to say about the Bill. Therefore, I content myself with making the motion. Sir, I beg to move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill be passed.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : From this side of the House, we assured the Government that none of us is a terrorist or favours terrorism. We said repeatedly that we would like to strengthen the hands of the Government to eradicate terrorism altogether from the country, but the difference between the Government and the Opposition is that we are willing to have the Bill as a temporary measure in order to remove this terrorism, but we do not want it to remain permanently in the Statute-book of the country. We know that the Indian Criminal Law Act is supposed to be one of the best Acts in the world, and I was told that several countries had tried to adopt this as a specimen. I think it is a stigma, both on the Government and the people of this country, to have this as a permanent measure. It is a stigma on the people, because you assume that terrorism is going to be a permanent feature in the country. We earnestly believe that this is a passing phase, and it will disappear if proper actions are taken. It is a stigma on the Government, because it will be said that, after 175 years of their rule, they could not establish a peaceful Government in the country and they have to resort to a permanent Statute of the kind now before us. We on this side believe that to have this as a permanent measure is a stigma on the people as well as on the Government. If right action had been taken 18 years ago, this situation would not have arisen. Government failed in their duty at the right time. Certain Commissions and Committees recommended proper action, but the Government allowed the thing to pass away. I still believe that if right action is taken, this thing will be eradicated in time and this Bill would not be necessary. We on this side of the House are willing to allow the Government to have this measure for a temporary period so long as it is necessary, but not to have a permanent measure.

It was hinted at by some speakers, and I emphasize the fact, that had the Government adopted a right policy in education when the Calcutta University Commission reported, then the whole position would have been cleared up. Had proper action been taken to revise the educational system of Bengal, it would have made an enormous difference in the condi-

tion of Bengal and in the revolutionary movement. They have got a system of high schools which a number of educationists condemn. They have very low type of teachers. The teachers practically teach nothing in order that they may be employed as tutors to the richer boys. The whole system of aided schools and recognised schools requires a great improvement and it was suggested that if the schools are made State schools and better provision is made for the teaching, then the boys will do some constructive work and they will not turn to revolutionary occupations. I am myself an old *alumnus* of the Calcutta University. I took my M.A. degree from the Calcutta University, and it was an honour to be a graduate of the Calcutta University in those days. The standard of education at that time was high. The people who took the degree scattered all over India and were prominent in every walk of life. They practically captured the whole of the Government of India Secretariat. They would have kept up their educational supremacy even to this day but for the lowering of the standard for which the Government of India are chiefly responsible, and I say that this terrorism has arisen because of the wrong policy of the Government of India in educational matters.

**Lieut. Colonel Sir Henry Gidney** (Nominated Non-Official) : Why not change the Senate of the University ?

**Dr. Ziauddin Ahmad** : That is a very small issue compared with the bigger problem which I have now laid before the House. I want to change the whole educational system of Bengal, particularly the secondary education ; a change in the personnel of the Senate will not change the educational system of the country. It may be hardly relevant on this Bill to give a whole discourse on the educational policy of Bengal, but I must emphasize this fact that this whole cult of terrorism, whatever it may be called, is the result of a wrong training and wrong policy pursued in the matter of the education which the boys have been receiving in schools and colleges now. Of course, a thing of this kind is nearly an impossibility in any other Province. In all other Provinces they have got a better supervision, and a better system and standard of schools and colleges. Sir, sometime ago, I emphasized that the Government have in every important country taken the responsibility as regards secondary education. Why should we not act similarly so far as Bengal is concerned ? Let the Government directly take the responsibility of secondary education and of providing the people of Bengal with opportunities for good and sound education ; so that they may turn out good college students, and the people of Bengal may again regain the position which they have now lost on account of pursuing a wrong and unsound and inefficient educational policy of recent years.

Then, Sir, coupled with the question of education, there is also the economic problem. Now, the economic problem is no doubt keen in every Province, but it is much keener in Bengal than it is in the other Provinces on account of the large number of persons who have already qualified themselves from the universities there and who find no future for themselves. Now, Sir, if you make only these changes, that is, provide some kind of healthy occupation to the persons who come out of these universities, give them the right kind of education and a good standard, so that they may not fall a prey to mischief-makers and dangerous propaganda, then, I am sure, such people will have absolutely no time to think of mischievous pursuits. To give an apt illustration, those, familiar with the agricultural life of the country, will probably remember that all sorts of



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troubles crop up in the country when the cultivators have got nothing to do, but as soon as the harvest or cultivation time comes round, the moment the tenants and other agriculturists have some kind of occupation, there are no troubles in the rural area. It is only when there is nothing to do that these unhappy troubles arise. Idleness is the mother of mischief. Similarly, if the right policy of education is steadily pursued, if we keep the time of the boys well occupied in healthy pursuits and if, after these boys leave their schools and colleges, we provide some healthy occupation for them and have a proper supervision over them, then the whole troubles which now exist will probably disappear. Therefore, Sir, I take this opportunity to beseech the Government that these terrorists should not be taken to be a permanent feature of the country. You may have certain powers, no doubt you have them, of removing them for the time being, but if you want to have a permanent cure and wish to establish a peaceful Government and not a military Government, then, in that case, it is up to you to find out the right solution : and the right solution is—change your whole educational policy, and provide some kind of living or means of living to all those persons who turn out from these schools and colleges. If you fail in that, and if you simply have recourse to your present methods, then I am afraid this thing will never disappear. You may for the time being divert detenus from one place to another, it may appear to have subsided, but it will not disappear unless you take the right action. Time after time I urged, when I was on the Calcutta University Commission, that that was the right course to follow, but unfortunately the Government of India were too timid to take the right course of action, and they did not want to spend money without which nothing can be achieved. Unless you have both, it is impossible to realise your object. Therefore, I say that this measure that we are now passing is really a stigma to the people of India and to the Government of India, and we should like to repeat from this side of the House that this is not really the permanent cure of the problem which is now before us. Do have no doubt a temporary measure till you solve it, but at the same time do think out some methods by means of which this sort of thing can be permanently and effectively cured. With these words, Sir, I resume my seat.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Sir, I oppose this motion entirely. I do not think that there is any utility in the measure or that the grounds advanced are at all sufficient for extending the operation of this measure or for making it a perpetual measure, and I do not think that the Government of Bengal really now requires any power to send these detenus out of the Province of Bengal. Sir, in 1932, when this Act was passed (Act VIII of 1932, I believe), there were certain reasons for the Government of Bengal coming up before this House, the first reason being that there was not sufficient accommodation in the jails of Bengal at that time. That was the time when the Civil Disobedience Movement was in its full swing, and the whole resources of the Provincial Government, so far as regards accommodation in jails, were taken up by these Civil Disobedience prisoners. In this connection, I may read a passage from the Bengal Administration Report for 1932-33 issued by the Government of Bengal. It says at page 22 :

“ The heavy influx of civil disobedience prisoners during the first six months of 1932 placed a great strain upon the resources of the Jail Department..... The Hijli

Additional Special Jail, the Dum Dum Special Jail, and the Dum Dum Additional Special Jail remained in commission throughout the year, and when these were found insufficient in accommodation, a second additional special jail was opened at Dum Dum. The old sub-jail buildings at Hijli were treated at first as part of the additional special jail for the reception of female civil disobedience prisoners, but the latter were subsequently removed to a female jail that was opened at Berhampore, and the Hijli sub-jail buildings were then utilized for female detenus."

Sir, all these sub-jails which were opened in 1932 are presumably now lying vacant. The Civil Disobedience prisoners amounted in 1932 to about fourteen thousand. They are now no longer being housed by the Government of Bengal, and, I ask, what is being done with all that accommodation? Is it all lying vacant, or is it being utilized for teaching the boys of Bengal how to behave themselves properly? I take it, that is not done; they are lying vacant, and I do not see why, for the reason of accommodation the Government of Bengal should have come before this House in order to secure special provision. That is the first point. The second point made out by Sir Harry Haig was that these detenus were very dangerous and that they were in communication with outside persons. That was his charge; and, to prevent that being done, these persons were sent to Deoli. The Government of Bengal, however, in the Bengal Council did not say as much. On the 19th March, 1934, the Honourable Mr. Reid, the Home Member of the Government of Bengal, said this (I am reading from the Bengal Council Proceedings, page 304 of Vol. XLIII-No. 5):

"Mr. N. K. Basu dwelt on the question of Deoli. I think the House is well aware of the reason why the Deoli Camp was started in 1932. There was a great congestion in Bengal and we could not accommodate further detenus here, and that is one reason why it was started. The second reason was this: that these men which we have in the Detention Camp are all men who are deep in the terrorist movement. To remove them outside the province does make a difference both to conditions here and also to their own mentality."

There is no suggestion here that they were guilty of communicating with people outside or of hatching conspiracies inside the detention camp and making it available for people outside. No such charge has been made, and I believe Sir Harry Haig, when he said this, was making a mistake or rather misunderstanding what was said about the terrorist prisoners in Bengal and *not* the detenus, for I find this passage in the report of the Administration of Bengal. They say:

"The increase in the number of terrorist convicts was also marked, and these prisoners were exceedingly troublesome and proved a source of great anxiety to Jail Superintendents. They consistently attempt to undermine discipline and to hold unauthorized communications with outside sympathisers, and they frequently threatened the jail staff with violence. Three terrorist prisoners actually succeeded in escaping from Midnapore Central Jail. One was recaptured during the year, and the other two in 1933. It was to free the jails of the province from the disturbing presence of these undesirables that deportation to the Andamans was decided upon by the Government of India, and during the year 58 such terrorist convicts were despatched from Bengal to Port Blair."

I say, therefore, that there is no justification for Sir Harry Haig to make the assertion that these detenus were communicating with outsiders. If that portion of the argument goes out, then what remains of the argument for extending the operation of this Act? I do not find any. So far as the question of congestion is concerned, I do not find any argument. So far as the communication with outsiders is concerned and which the Government wanted to prevent, it was never in existence so far as this

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class of detenues are concerned. Under these circumstances, I oppose this Bill.

Then, Sir, there is another question, namely, to make this Act a permanent one. Why should that be done? The Government of Bengal has thought fit to make the Criminal Law Amendment Act of 1930 a permanent feature of the Statute-book of Bengal, but that does not apply in the present case. The Honourable Sir Harry Haig stated that if you make a Statute terminable with a particular period, the terrorists would await for that period and wage war again. He also said that, that was the lesson the Government had learnt from the history of the terrorist revolution from 1905 downwards. Sir, if one reads the history of the terrorist revolution in Bengal, I do not think he will come to this conclusion. He laid great stress on the fact that the 1925 Act was repeated in the year 1930, and, thereafter, there was a great recrudescence of outrages in Bengal. The history of the terrorist outrages in Bengal is very succinctly stated in the report on the Police Administration in the Bengal Presidency for the year 1931. There it is said :

“ The total number of persons interned under the 1924 Ordinance and the 1925 Bengal Criminal Law Amendment Act was 187.”

And the number of persons who are now under detention is over 2,000. Therefore, it is sought to be proved that by the release of these 187 detenues, there was a recrudescence of the terrorist activities in Bengal. It goes on :

“ All these persons and those made State prisoners under Regulation III of 1818 were released by the end of January, 1929, the majority being released in 1928. In 1929, terrorist outrages increased, four being committed, of which the murder of a police officer in Barisal and a dacoity in the Rajshahi district were the most important.”

This Act was, if I remember aright, agreed to be repealed by the Government of Bengal by a speech made by Sir Stanley Jackson in the Bengal Council in March, 1930. At the same time, he warned the people that if any recrudescence of terrorist activity took place, he would at once get the Government of India's permission to promulgate another Act. Sir, everybody knew at that time that the Act of 1925 was given up at the pressure of the Home Government (the Labour Government) which was in office at that time.

**The Honourable Sir Henry Craik :** What date was this?

**Mr. S. C. Sen :** It was March, 1930. And the police did not wait for a long time before they could make out a case for the re-promulgation of this Statute, for, if I remember aright, by the 15th April, 56 houses in Calcutta were searched by the police and some more houses were searched in the Mufassil including Rajshahi. But the next day was a very fortunate day for the police, because, on the day after that, the Chittagong armoury raid case was found to have been committed.

**The Honourable Sir Nripendra Sircar :** As my Honourable friend is wrong about all his dates and in most particulars, I do not want to interrupt him now.

**Mr. S. C. Sen :** May I know in what respect I am wrong?

**The Honourable Sir Nripendra Sircar :** You said that 56 house searches took place in March and the Chittagong armoury raid took place

the next day. That is not the case. The Chittagong raid took place on the 18th April, 1930.

**Mr. S. C. Sen :** I am simply stating the facts, and the Honourable Member has not understood me. After that day, that is to say, 15 days thereafter, about the 15th of April, house searches were made in Calcutta. I was not wrong about my date, and two days thereafter the Chittagong outrage took place, and the day after that the Ordinance was passed. So, I have no quarrel about that matter. But what I wish to emphasise is that 187 prisoners were released in 1929. That is what I have shown from the Bengal report, that on the 18th or 19th of April, barely a month after, these people should have made up their mind and made all sorts of arrangements about the raiding of the armoury in Chittagong is something novel. If these men are capable of doing that.....

**The Honourable Sir Henry Craik :** I am sorry to interrupt the Honourable Member, but he is really wrong about his facts. The majority of the detenus were released about the end of 1928, more than a year before the Chittagong outrage took place.

**Mr. S. C. Sen :** That is what I am saying.

**The Honourable Sir Henry Craik :** My Honourable friend said distinctly, and this the House was asked to believe, that these detenus, less than a month after their release, had been able to plan the Chittagong outrage.

**Mr. S. C. Sen :** My point is that it is over a year between their release and the Chittagong outrage although the Act of 1925 was not repealed more than a month ago, and, therefore, this point is against the argument adduced by Sir Harry Haig in this House that so long as the Act remained in force, these people could not do anything, but after the Act was over, they took steps. Therefore, the contention that because they were released in 1928, and were hatching this plot from time onward is not relevant. The date of the repeal of the Act is the only point to be considered. That is what I say. If these few men could make arrangement for the raiding of the armoury in Chittagong where there is a great military force, I should think that Government, instead of imprisoning them, should have taken them into the army (Laughter) and given them suitable posts.

**The Honourable Sir Nripendra Sircar :** I wish my Honourable friend knew even some of the facts of the Chittagong case.

**Mr. S. C. Sen :** These are the facts taken from the publications of Government. I need not go any further.

**The Honourable Sir Nripendra Sircar :** I have also got the publications of Government. My friend knows little about the matter.

**Mr. S. C. Sen :** The administration reports are here and the dates are also mentioned, and I am trying to draw my own conclusions from them.

**The Honourable Sir Henry Craik :** They are wrong conclusions.

**Mr. S. C. Sen :** That may be according to you ; but, to my reading, that is the position. Therefore, the mere non-existence of that Act of 1925 did not conduce to the terrorist outrage at Chittagong—that is my

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contention. Moreover, I will tell you one thing. My idea is, and that is confirmed by a very high official in the Government of Bengal, Special Department, and his opinion was that the recruitment of the terrorist outrage was planned, not after the repeal of the Act, but after the rioting which took place in Dacca by the end of 1929. That was the idea of that high official of Bengal, the idea is not mine. He is supposed to know more about the state of Bengal and about terrorists than any other person here.

**An Honourable Member :** Who is that high official ?

**Mr. S. C. Sen :** I shall be excused for not mentioning his name.

**The Honourable Sir Nripendra Sircar :** Possibly some imaginary person.

**Mr. S. C. Sen :** Of course everything that we on this side say is imaginary, and everything that the Government say is gospel truth. We are expected to take them as true facts.

**The Honourable Sir Nripendra Sircar :** We cannot test those statements. If conversation was private, it was not meant for public use.

**Mr. S. C. Sen :** Not only that, how did the Government treat that riot in 1929. It was with the concurrence, that is the contention, of officials in Dacca at that time that this outrage took place. Even the guns from the hands of the local Hindu *bhadraloks* were taken away lest they, by firing, enraged the Muslim mob. That was the suggestion made, not by the officers themselves, but by the Committee of Inquiry which sat there.

**Mr. S. C. Mitra :** Is that the reason for not disclosing the names of the members of the Committee ? The Honourable the Law Member has secret knowledge of these things. Let him be fair.

**Mr. S. C. Sen :** I do not know what he will do, because I am not in his confidence.

Then, not after the Chittagong outrage, but after the murder of Absanullah, in Chittagong, there was a great depredation of property by the police officers. A report was made after an inquiry which was held by Mr. Nelson, the Divisional Commissioner, but that report has not seen the light of day. These and other things are the causes for the recrudescence of terrorist outrages in 1930, in Bengal, and this gentleman also told me that some of the Muslim youths were guilty of attempted terrorist outrages, but that was suppressed, because the Government would not allow a Muslim name to be dragged into the controversy, lest they find that the fine which they were inflicting on the Hindu *bhadralok* class should be questioned. Sir, I take this opportunity of expressing my regret for informing the House the other day about the Rowlatt Act. I told the Honourable the Home Member the other day that the Enquiry Officers were a High Court Judge and another gentleman. I now find that that was not so. They are one or more investigating authorities for the purpose and every investigating authority shall be appointed by order in writing and shall consist of three persons, of whom two shall be persons having held judicial office not inferior to that of a District and Sessions Judge, and one shall be a person not in the service of the Crown in India. I made a mistake in telling the Home Member that it was one of

the High Court Judges. I may, however, tell him one thing that although this Act was on the Statute-book for three years, it was not applied.

**The Honourable Sir Henry Craik :** Which Act ? The Rowlatt Act ?

**Mr. S. C. Sen :** Yes. The report on the Police Administration in the Bengal Presidency for 1931 states :

“ In 1923, a fresh series of terrorist outrages began. The Defence of India Act had expired six months after the end of the Great War and although as a result of the Sedition Committee's report, the Rowlatt Bill, after slight modifications, became law as the Revolutionary and Anarchical Crimes Act, 1919, this Act, was never brought into force, and was repealed with other so-called repressing laws in 1921.”

That shows that so long as that Act was in force, and when there was an Enquiry Committee in which the accused was entitled to be present, the Government had not the courage to put forward their cases before such a Committee lest the result should prove the contention of the public that the so-called evidence upon which people are arrested and kept in detention are imaginary and untruthful. The Government feared that the castle which they built in the air upon false evidence should burst. The next Act which was passed in 1925 did not contain these provisions and enquiry officers, and we know why they were not there. Under these circumstances, I oppose the Bill.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muham-madan Rural) : Sir, Government in their wisdom have rejected the amendment moved by my Honourable friend, Mr. Patil, not to make this obnoxious Bill a permanent measure on the Statute-book of this country. Now, it is therefore the duty of the Opposition to throw out a measure like this, because I shall presently show that whatever might have been the urgency and necessity of getting the Bill passed into law in Bengal,—the Bengal Criminal Law Amendment Act of 1934—there is no necessity of giving an extension to the rigorous provision of transportation of political suspects to other Provinces. As I was listening to the arguments of the Honourable the Law Member on this subject, I found that he made it clear that many of the speeches were not relevant, and he said :

“ The main point was whether the suspects can be detained in jail outside Bengal. Then the other argument was, for instance the consideration that the detenu loses his liberty, that he loses the company of friends, that in some cases prompt medical attention is not given and similar complaints. I say in all humility that these are irrelevant considerations because they may as well happen in jails inside Bengal as outside it.”

With great respect for the logic and arguments of my Honourable friend, the Law Member, I say that I join issue with him on each of those grounds. It is not a fact that the internment of a detenu in Bengal is the same so far as rigour of life and conditions of his health, his food, his interview and all these various items are concerned, if he is externed outside Bengal. That is the main point on which we differ and on which we argue that this provision for externing the Bengal detenus should not be accepted by the House. Instead of giving facts which the Honourable the Law Member will consider as imaginary, I shall take some of these points and show how they really prove a great hardship on the friends and relatives of the detenus. Just now I should like to read a few letters that I have received in the course of the last 10 or 15 days from the relatives of the detenus as regards interviews. Some of my friends, particularly my friend, Mr. Chatarji, waxed eloquent over the

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comforts of these detenus and said they do not suffer in any way and that they are getting all conveniences in jail. If I have time, I shall deal in detail with the points that he has raised ; but from the graphic description that he gave, it seemed to me as if he is tempted to be inside the jail as a detenu rather than be an official Member of the Legislative Assembly.

**Mr. J. M. Chatarji** (Bengal : Nominated Official) : Sir, I never said that I was tempted to be inside a detention camp  
1 P. M. instead of being an official.

**Mr. S. C. Mitra** : The description given by him was so tempting,—that they are getting all sorts of food, they are getting books and all other comforts,—that if the nominated Members could have an additional luxury of getting Rs. 20 a day, as they get here, they should perhaps prefer to be inside these jails. I shall be the last man to grudge my Honourable friend, Mr. Chatarji, if, in consideration of his services, he is made permanent as a Magistrate in Bengal, but I shall deal with his points later on. But at present I shall deal with these interviews. I say, it is no concession, it is no favour to these detenus to permit them to have interviews with their relations. I made it clear before the House, and Government also admitted it, that they are only suspects and there are at least some, may be a small percentage of five or ten, who may not be even guilty of any of the charges which are laid at their door. But I should like to know from the new Home Member why these interviews, which are always allowed in the presence of police officials under very strict conditions that these police officials may like to suggest, why even in those conditions the interviews are repeatedly refused. I do not speak on mere imaginary facts. I was myself an applicant to see my own nephew. Not once or twice, but several times I have applied myself, and the father of the boy, my own brother, applied for interviews ; but they have been repeatedly refused without being given any reasons. We said we were ready to abide by any conditions. The interviews are held in the presence of police officials ; they can at any moment stop the interview if they think there is any conversation going on which is objectionable from any standpoint. The detenu is kept a few feet apart and he may be kept behind some iron bars. Yet why did Government take it into their head to interdict these interviews ?

Then, as regards these communications, Sir, the Honourable the Law Member is absent just now, but I think it was he who raised this question that it does not make any difference when a man is sent out of the Province. I say that, as regards these communications, they suffer very much, and it is a standing grievance of all the relations and friends that they never receive regular correspondence about the health of these poor people. With your permission, Sir, I should like to place some of the letters that I have received about these communications. For the last one month and a half, so far as I understand, all communications and letters between these detenus and their friends and relations have been stopped.

**The Honourable Sir Henry Craik** : Where ?

**Mr. S. C. Mitra** : At the Deoli Detention Camp. I will read some of these letters, and I shall be glad if the Honourable the Home Member

is in a position to say whether they are on hunger strike or whether there is a general order interdicting all correspondence with these detenus. Here is one letter :

“ My second son, Narendra Nath Das, is a detenu in Deoli camp. The last letter I received from him is dated 28th May, 1934. Since then I have not received any news about him. I sent various letters and wires to the said detenu for information but got no reply from him. I have also written to the Commandant, Deoli, on 11th June, 1934, and 15th July, 1934, but he did not care to reply to any queries. I have also sent petitions to the Deputy Inspector General of Police, I. B., Calcutta, for information on the 1st July, 1934, and again on 18th July, 1934, for an interview with the said detenu, but I have not been favoured with a reply as yet. Again I applied to the Secretary of the Government of Bengal, Political Department, for asking the Commandant, Deoli, to supply me with information by wire as to the health of this detenu ; but unfortunately I failed to secure any information on the subject. So I pray that you will be pleased to help me with information as to his long silence and of the present state of health of the said detenu concerned by any means you may choose, and thus relieve his poor parents of the anxiety for their unfortunate son.

I have the honour to be, etc.,

Charu Chandra Das, Mukhtear,

Diamond Harbour Criminal Court,

District 24-Pergannas.

Dated 21st July, 1934.”

Here is another letter. This is written by a lady, named Probbabati Devi. Her address is 21-1-1 Sreemohan Lane, Kalighat, Calcutta, and the letter is dated 21st July last. I give the substance of it :

“ My younger brother, Rabindra Nath Ray Chaudhury, is a detenu for the last eight or nine months at Deoli. If there is no strike or special disturbance, I get letters from him regularly, but whenever there is a strike correspondence is stopped. I got his last letter on the 18th June last, and after that date we are receiving no letters. Apart from us there are several other detenus whose parents or near relations have got no letters from their relatives. They are anxious and came to us to inquire if we have received any letter from Rabi. They are very much frightened that some of the mothers of these detenus are becoming blind by weeping. Our apprehensions are that due to reduction of the daily allowance of these detenus or for reducing the expenses of letter writing, there must have been some strike. There is no way of getting any information by any means. Many have sent two or three telegrams but have received no reply. Will you kindly move in this matter ? ”

I place these letters for the perusal of the Honourable the Home Member, and I hope he will give some reply as to why all correspondence has been stopped with these detenus for the last one month and a half ; and I can personally say that I have also received no reply or letter from my own nephew for the same period. There must be something going on there, and it is the settled policy of this Government, whenever there is any trouble in the shape of hunger strike or anything else, that they take credit in suppressing all facts and figures in these matters. My Honourable friend, Mr. Chatarji, or the Law Member, sitting here, may think that these detenus are in Paradise and there is nothing to be desired in these detention camps. But I should like to point out even from these simple matters that the relations of these poor detenus cannot get even a letter or even a reply to their pre-paid telegrams simply saying that the detenus are keeping good health. They have paid the requisite money and the only information they want is about their health. And in all these matters, there is so much of miserliness on the part of Government that they will not satisfy the anxieties of these



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relations. If anybody has done anything wrong, it is certainly not the relations of these detenus who are sent away from their homes.

Sir, I have spoken about these interviews. I want some categorical reply from the Home Member as to whether they consider it an act of great grace that the relatives of these detenus should be refused these interviews under police surveillance and under any conditions, without any reasons whatsoever being given. I shall deal with the other little points that will be apparent to the Honourable Members of this House. My friend, Mr. Morgan, may prefer the Deoli climate to Bengal climate. But, as I have said, to a Bengali his own climate is certainly more congenial to his health than the desert climate of Ajmere. If the European Members prefer to be in a dry climate: let them have it; but we like to have a specific answer to the question why, in a vast country like Bengal, they cannot have some segregated place, in a hill station or in some quiet part of the country, where these detenus can be as much segregated as in Deoli. It is no use saying in a round-about way that they do not suffer in any way. The burden lies heavily on Government to show, if their police and jail officials have to keep them out of harm by communicating with the outside public, why cannot they find some place in Bengal itself, which would be as much convenient to them as Deoli, so far as communication with the outside world is concerned. It is all beating about the bush not giving any straight answer to these questions, but simply saying that they do not suffer very much. I appeal to you, Sir, that it requires imagination really to feel the position of these poor fellows. Almost every day we pass these five or six hours in this Chamber: but once a rule is made that no one will be permitted to go out of the Chamber during these six hours, how these Honourable gentlemen will feel it? I say, it may not be necessary at all to go out of the Chamber in these six hours, but if there is a rule or regulation that Members will not be permitted to go out, how will it tell upon the nerves of these Members? It requires imagination, which the bureaucracy proverbially lacks, to feel for these men who suffer—not for days or weeks, but for months and months, and some for years and years, in a distant land, for no offence which can be proved in any way before a competent Court of law. We were talking of tested and untested and fabricated steel, but here it is mostly fabricated evidence that is used in all these cases. (Opposition Laughter.) The Honourable the Home Member was giving this House some idea about the charges that are framed against these detenus. I can speak of these incidents with first hand knowledge. I shall give some details, so that the House may realise what these charges are .....

**Mr. President** (The Honourable Sir Shanmukham Chetty): Will the Honourable Member take some time?

**Mr. S. C. Mitra**: Yes, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty): The House now stands adjourned till 2-30 P. M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. S. C. Mitra :** Mr. President, when the House rose for Lunch, I was giving my personal experience to the House about some of these affairs about which the Honourable the Home Member also spoke from first hand knowledge. I should like to give the House a definite idea as to how these charges are levelled against these detenus. The Honourable the Home Member made an impression that these prisoners were only deprived of a public trial, but otherwise they got all chances to know what the charges against them were, and that they were also given an opportunity to clear themselves of the charges to the Government. Sir, I will tell the House what were the charges against me in 1924, and I hope the House will judge for itself how a man can meet the so-called charges levelled against him. It is contemplated in the Regulation itself that the detenu must be made acquainted with the nature of the charges. Now, the first charge against me was that I was a member of a revolutionary party. Sir, I ask the House, how can anybody meet that charge? I was not allowed to represent my case before any Tribunal, but I was allowed opportunities to make a statement, and all that I could say was that I was not a member of any revolutionary party. Then, the second charge was that I was an associate of Mr. Subhash Chandra Bose, a man who is loved and respected throughout India, Professor J. C. Ghosh, a very much respected patriot of Bengal, Mr. Anil Baran Roy, who is also held in very great esteem throughout Bengal, and one, two or others who were mentioned on that occasion whose names I don't remember just at the moment,—but I ask the House, how a gentleman could possibly refute a charge like this.

Then, Sir, the third charge against me was that I was a party in the smuggling of arms between two dates, say, 31st January, 1922 and 31st July, 1924, and no details, no date or any description, or where, or how or when exactly the arms were smuggled, were mentioned in the charge. It was a perfectly vague and indefinite charge. I challenge the Honourable the Home Member to say if it is any charge at all, or I appeal also to the Honourable the Law Member to say, with all his vast experience of law, whether these vague things can either be considered as charges according to any jurisprudence in any part of the civilized world. Now, Government come forward and say that the detenus are made acquainted with the charges and they are given every chance to refute those charges. I find there is only one Honourable Member in the European Group whom I expect to take an impartial view....

**An Honourable Member :** No, there are two Members.

**Mr. S. C. Mitra :** Yes, there are two Members,—I stand corrected.—I expect them to judge these matters from the high traditions that the British nation possesses of ideas of liberty and justice. Are these the charges which gentlemen, suspected of political crimes, are expected to meet? I challenge the Honourable the Home Member to say whether what I say is not correct. Let him go through the old records. Sir, I know that subsequently one of the highest officials, the Deputy Inspector General of Police, the late lamented Mr. Lowman, who was a great friend

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of mine, told me that our confinement was merely precautionary and that they knew that we were leaders of thought in Bengal, but the apprehension of the Government was that, after the failure of the non-co-operation movement, there might be a recrudescence of revolutionary crime, and that was why they put us all under restraint ! This was the admission made by one of the highest police officials ; but yet responsible Members get up and speak with such an innocent air as if they resort to these methods only in the case of confirmed terrorists and they are afraid of public trials on the ground that some of the witnesses might be tampered with or there might be risk to their lives, and so forth. Sir, it is well-known that in Bengal, by legislation, they have provided for Special Tribunals, where the witnesses may be examined *in camera*, if necessary. All this procedure has now been arranged, and, in spite of all that, it is still pleaded that there is no way to bring home the charges against all these hundreds of young men who are now under restraint and rot in jails for years and years together.

The Honourable Sir Harry Haig was pleased to give the other day a description of the history of the terrorist legislation in Bengal. He said that it began from the year 1915. It has been rightly pointed out by my friend, Rao Bahadur Patil, that the Defence of India Act was a war measure. It was not peculiar to Bengal or to India, but it was introduced in all the countries that were engaged in the Great War. England was not excluded. There they had the famous Defence of the Realm Act, which was a war measure, but it ceased within six months after the conclusion of the War. Sir, I say, it is not correct to say that these repressive measures were first enacted in the year 1915. When in 1920 the non-co-operation movement was taken up by the people of this country, there was no terrorist or revolutionary crime for a long period, but when it was observed that the non-co-operation movement was failing to achieve its desired object of securing Dominion Status or Self-Government by non-violent means, the police became apprehensive that some of the ardent youths might resort to serious crimes and so some of the police emissaries and spies began to report to the higher authorities that there might be a recrudescence of crime, and, in 1924, all in a hurry Government passed the Ordinance. Sir, I was a victim of that Ordinance, and, later on, of Regulation III, and, still later on, of the Bengal Criminal Law (Amendment) Act. Government are making much of it, and the Honourable the Law Member himself said that the Bengal Council passed this measure by a vast majority in 1932 and so we must follow public opinion. May I ask, Sir, what happened in 1925 when the first repressive legislation was introduced in the Bengal Council ? What was the respect of this great Government for public opinion at that time ? Is it not a fact that the very introduction of such a measure was refused by the Bengal Legislative Council which was then properly represented by the nationalists and Congressmen of Bengal ? You are very respectful of public opinion today and quote that you have 80 votes as against 20 ! I shall give you the names of these Members. But may I ask you, at the very inception of these repressive measures had you public opinion on your side ? That is by the way. Then, for three or four years, several hundreds of young men were clapped into jail and Government had their own way. A few years after, they found that it was all useless and unnecessary. So far as I could see, I know the Chittagong

case is not in a link with other terrorist acts. It is a sporadic action. I think my Honourable friend, Mr. Sen, made a mistake in saying that it was an after-effect of the Dacca communal riot case. That is not correct, but the analysis of the situation as given by him is perfectly all right, because we know from responsible officials, both in the Government and in the police, that soon after the communal riot at Dacca, when Government went out of their way to support one community against another giving the go by to their sense of impartiality....

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : The riot itself was organised under official auspices.

**Mr. S. C. Mitra** : My Honourable friend, Mr. Neogy, who always correctly analyses these affairs and who knows the genesis of the Dacca trouble much more than I do, says correctly that they were initiated under the Government auspices. But these are past affairs. In this very House I challenged the predecessor of the Home Member to publish Mr. Nelson's report, and whether it was not a fact that that Honourable gentleman came to the definite conclusion that there was evidence to show that there were police officials who instigated some of those crimes, and he recommended that Government should, without standing on their false prestige, compensate the poor sufferers. These are the reasons—the conduct of the officials, not only of the lower strata, the mercenaries, but the high officers of Government putting one community against another, that has given rise to these troubles. Of course, it is only one aspect of the thing. I admit there are economic causes. I admit that when young men find no outlet, no prospects in life after their education, and when they find that they cannot keep their body and soul together even after putting themselves to the hardest labour—in that condition it is not unlikely that they really do not know what is in the best interest of their country. I say that legislations like this will not help the Government to cure India and the Indian youths of their patriotism. Even the Honourable the Law Member was repeating several times that the Bengal Council had, by 80 votes against 20, passed the present measure and that we should not bother ourselves with the Supplementary Act at all. Now, turning to the list of Members who voted for and against the measure, I find that the total number who opposed was not 20, but 16, and among the opponents you will find names like those of Babu Jatindra Nath Basu, Mr. Narendra Kumar Basu, Mr. Syama Prasad Mookerjee, Mr. Shanti Shekharewar Roy, Mr. S. M. Bose, Maulvi Abdus Samad, Maulvi Syed Majid Baksh, Maulvi Abdul Hamid Shah, Dr. Naresh Chandra Sen-Gupta, etc.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : All Liberals and not Congressmen.

**Mr. S. C. Mitra** : These are important men whose names are known to the villagers even in Bengal. In speaking on the measure before the Bengal Council, Mr. Shanti Shekharewar Roy said :

“ Sir, this position is not to be judged by the voting in this House, because it is well-known that long ago the dominant party in this country, whose position in the estimation of my countrymen is not challenged in any quarter, has left this House.”

The less said about those who voted for the Bill is the better. I remember in this connection a saying of Herr Hitler in his book on “ My Struggle ”. He says :

“ Just as a hundred fools do not make a wise man, a heroic decision is not likely to come from a hundred cowards.”

[Mr. S. C. Mitra.]

It is not always the number that counts. I shall be very glad to be in opposition with a minority in the company of leaders like Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Ramaswami Mudaliar and others rather than be in a majority with gentlemen like Mr. Yamin Khan, Captain Chaudhri Lal Chand and a host of others. (Laughter.) Here I should like to clear one point. It has been said by the Honourable the Home Member in this connection and also in other connections that we make exaggerated and inaccurate statements. Particularly he referred to my speech on the 19th March. I do not like to take the time of the House at this stage to refute those charges. I think I shall get enough opportunity to dilate on this point on other occasions. But there is one question which I should like to refer to, and that is, about a rape committed on a woman (Mr. K. C. Neogy : "By whom ?") I shall read out the whole of the paragraph :

"A few significant cases will give some idea about the serious situation.

During the small hours of the night of the 25th January, 1934, a number of Garhwali soldiers surrounded the house of Sjt. Murari Mohan Sasmal of Jukhia in P. S. Bhagwanpur in the Contai sub-division, and one of the soldiers committed rape on the wife of Sjt. Bhupen Chandra Sasmal, the elder brother of Murari Babu. Both the brothers were absent from home and the neighbours were prevented by soldiers and policemen from coming to the rescue of the unfortunate woman."

The reply was :

"The case has already been mentioned above. A judicial enquiry was held and the complaint found to be false and a prosecution for false evidence was instituted against Murari Mohan Sasmal."

And the whole House was convinced that it must certainly be a false case ! As a matter of fact, Mr. Burrows, Commissioner, when the whole case was *sub judice*, did not hesitate to make a speech commenting on this very case. Does the House know that there was a case instituted against this Murari Mohan Sasmal for having made a false charge, and what was the result ? He was acquitted.

**The Honourable Sir Henry Craik :** What does that prove ?

**Mr. K. C. Neogy :** It speaks for itself. The Honourable Member's predecessor laid a great deal of stress on that case.

**Mr. S. C. Mitra :** A man was charged for bringing in a false case, and, with all the resources of Government, they were unable to book that man under that charge and he was acquitted. What is the result ? Any man having common sense will draw his own inference. There are difficulties for non-officials to prove these cases. In the allegations which I wanted to be enquired into I said there were Magistrates who accompanied some of these parties, and how difficult it was in this unfortunate land where there is no separation of judicial from executive functions for the poor people to bring home their charges against officials. On another occasion, speaking of the British sense of justice in olden days, I was referring to the case in which Lord Curzon, though he found that a Court of law acquitted certain soldiers for some misbehaviour against a woman, yet took up the case and instituted a departmental inquiry and punished the whole battalion. That was the time when really British statesmanship made an impression in this country. Now, Government are more anxious to cripple the powers of the High Court and the only

bulwark of British administration in India. The relief of the people is that the British people may fail in everything, but they will never lose sight of their sense of justice. Now, they are undermining that foundation. You are taking away the foundation of the British Government, and every time you encroach upon the rights of the judiciary, you are responsible for creating the terrorism in this country. I do not like to refer to the speech of my friend, Mr. Chatarji. I know he had not the freedom to speak like an elected Member like myself, but I would like to remind him that, when they give a version, they should not mislead the House. Has he forgotten the case of the police murdering Santosh Kumar Mitra and other Barisal detenus in the Hijli detention camp? The position in these camps is not so comfortable as he thinks to be in his leisure time sitting on those back Benches. What are the reasons for the police shooting these unarmed detenus in detention camps? I pray that the new Home Member will take care himself to go into some of the charges, and, like his predecessor, Sir Harry Haig, who was telling this House that he personally inquired into the minutest detail, may I appeal to him to depute the Honourable the Law Member, who hails from Bengal and who is the pride of my race, and some other officials and non-officials to visit the detenu camps and make a report to the Honourable the Home Member? I know he will not be permitted, however exalted he may be in the estimation of the Government and whatever he may reply to my speeches. I wish the Honourable the Home Member had not alluded to the rule now obtaining in Germany and Austria approvingly last time.

**The Honourable Sir Henry Craik :** Not approvingly.

**Mr. S. C. Mitra :** Every student of politics knows that they may be successful for a short time, but it is bound to have its reactions and they shall have to reckon for the coming day. We appreciate British character. I hope they will not be swept off their feet by these temporary successes in other countries. He was also speaking of Dillinger, Public Enemy No. 1 in America and the conduct of the police there. I think even in the civilised world this sort of thing is never approved. I can say boldly that if they are considered as Public Enemy No. 1, the thoughtlessness and the unstatesmanlike actions of the bureaucracy, instead of putting an end to terrorism, will foster terrorism in India. They will be considered as Public Enemy No. 2 by the future generations. It is to the interest of both Indians and Britishers to see that terrorism is put an end to, but, as I have said, this legislation will not help. Sir, I oppose the passing of this Bill.

**Mr. B. R. Puri (West Punjab : Non-Muhammadian) :** Any adverse comment upon a measure of this nature is liable to be taken amiss as promoting or encouraging the terrorist propaganda. It is hardly necessary for me to say that so far as "terrorism" is concerned, there is no difference of opinion between the two sections of the House that this movement ought to be really stopped. The disagreement occurs only when we come to consider the propriety of remedies recommended by the Government to eradicate the evil.

So far as the merits of the case are concerned, I have got very little to say which has not already been said in one form or another. That I would frankly admit, but none the less I am addressing this Honourable

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House for the sole reason that I want my protest against a measure of this kind to be put on record.

I trust it will be considered a pertinent question if I were to ask with all respect the Honourable the Home Member if the Government have by this time arrived at any final conclusion as to what are really the grounds upon which the operation of this Act is being sought to be extended. I have had an opportunity to go through the reports of the debates from the very beginning, and I have been struck with one feature of the debate, *i.e.*, the statement of the Government made from time to time as to the reasons and the causes which have necessitated this measure. We have been told that the measure is necessary because of the lack of accommodation in the Bengal jails. This was seriously put forward as an argument at one time. At another time, we were told that the lack of control in the jail administration in Bengal was responsible for this. It is urged that the movements of the detenus in Bengal jails cannot be properly controlled and checked and that they resort to devices by which they manage to send out communications and they are constantly in touch with anarchists outside, that things are smuggled in and smuggled out, that communications go on between those who are detained inside and their friends and associates outside. This was at one time seriously put forward as the reason for the Government asking the House to permit these undesirables to be banished from their own Province to be lodged in distant jails scattered all over the country. Sir, there is yet a third reason, the authorship of which, I find, is to be attributed not to the Government, but to a semi-Government agency, I am referring to my Honourable friend, Mr. Sarma, who informed the House that the real reason at the bottom of this proposed legislation is that the Bengali youth is a very sentimental individual, that he always has a great love for his motherland, and that when he is transported from his own Province to distant places, he frets and fumes and his life becomes miserable : and, therefore, said Mr. Sarma, it serves as an additional penalty and that the measure was necessary to achieve that end. Now, may I very respectfully ask, which of these is the true reason which has led the Government to ask this House to extend the operation of this measure from Bengal to other Provinces in the country? Is it the first, is it the second, is it the third, or is it all three? Surely, by now, the Government must have made up their mind on this point. If they were to indicate their mind, we would be in a better position to deal with the case, but we cannot do that if the Government constantly keep changing from one ground to another, and thus confuse the real issue.

Sir, the 1930 Act was not the first Act of its kind : I understand that, that was preceded by another Act, namely, the Act  
 3 P. M. of 1925. I have not had the opportunity of going through the provisions of that Act, but I am told by those who have read it that the provisions of the 1925 Act were substantially the same as the provisions of the later Act of 1930.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Now, if that is correct, it is obvious that it had taken the Bengal Government seven years to discover the necessity and the desirability of having their Act extended to other Provinces. It reminds me, Sir, of

the case of a man who went up to a Magistrate presiding in a Court and with folded hands said : " Sir, I have got a complaint. Such and such a man has called me a ' rhinoceros '. I have been very seriously defamed, my character has been damaged, and I want to lodge this complaint ". The Magistrate turned round and said : " Now, when did that man tell you you were a rhinoceros ". He replied : " He said it four years ago ". " Four years ago ? ", said the Magistrate—" and you come with your complaint today ? " He replied : " Sir, the reason is that I saw a rhinoceros only yesterday. " (Laughter.) Now, it seems to me that the Bengal Government should have discovered this the moment they started their repressive programme ; I am advisedly using the word " repressive ", I will presently come to the Honourable the Law Member's speech, I know he has got a strong prejudice against any Honourable Member using this expression (*The Honourable Sir Nripendra Sircar* : " I have none " ), but in the Honourable Member's speech I find it is so recorded ; anyhow, I will come to that. Now, Sir, that being the case, if the grievance of the Bengal Government was genuine, I maintain that we should have had some indication of their difficulties much earlier and much longer, before they actually came and knocked at the door of this House.

I was referring to the speech of the Honourable the Law Member and I must congratulate him on a very able address which he made before this House—at the same time I am afraid I am not quite in agreement with some of his views on certain matters ; I know I am at a disadvantage, as I am opposed by an eminent lawyer of the Law Member's position. Before taking up the law points, however, I wish to deal with a matter raised in the Honourable the Law Member's speech which I find contains a very unfair and gratuitous attack on the Congress, I would invite your attention, Sir, to a passage in his speech at page 568 of the Report of the Legislative Assembly, dated the 24th July, 1934. The Honourable Sir Nripendra Sircar said, in the course of his speech :

" Then, Sir, in considering the present Act, we need not go into the details of what exactly has been done by Bengal Council, what amount of repression is necessary in the situation which has arisen in Bengal. "

Then, my friend, Mr. Neogy, interjected " and for all time ". Then, Sir Nripendra Sircar goes on :

" and for what time and in what manner, that has been decided by the Bengal Council by men who are most competent to decide this matter. I daresay, if my Honourable friend, Mr. Neogy, had been in the Bengal Council, "

Mark the irony, mark the sarcasm :

" he would have tried to bring about such a change in their frame of mind that, by an overwhelming majority, the Bill would have been thrown out. But, as it is, the Bill has been passed. "

He is giving this bitter pill to Mr. Neogy to swallow :

" When a Statute is said to be permanent, of course it is always subject to its being repealed. "

That is nothing new. And mark the next sentence :

" And we have been assured that the time is not very far when some people, who are not in the Assembly yet, will get every repressive law repealed and that their permanency will disappear within a short time if that assurance is carried out. "

Now, Sir, this is an attack upon those who are not yet in this House.



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The Honourable the Law Member could certainly afford to ridicule that political organisation, the Congress, which is threatening to come into this House and whose open and avowed programme is to repeal every repressive law. I am quite sure that neither the Honourable the Law Member nor his colleagues are afraid of what the Congress is threatening to do or rather undo. But, Sir, the test of the pudding lies in its eating. My answer to that part of the speech of the Honourable the Law Member is very simple. It must have been noticed by most of the Honourable Members that the Act, which we passed in the year 1932 is due to expire on the 5th April, 1935. That up to the first week of April, 1935, under the old Act of 1932, the Bengal Government have got power to transfer their detenus to any jail they like. May I respectfully ask the Government why are they betraying an indecent hurry in precipitating this measure before the present Assembly? Why could they not wait and face those very gentlemen whom they are trying to ridicule and belittle?

**The Honourable Sir Nripendra Sircar :** May I point out that the question has already been answered, not by my humble self, but by the Honourable the Home Member, as to why they could not wait till the Budget Session or till February for passing this Act. It is because they must make arrangements for the removal of 1,500 men. In any case, if the law is passed now, it can be repealed next year, by those who are coming.

**Mr. K. C. Neogy :** Did we not hear from His Excellency the Viceroy's Message today that the next Assembly is to meet in January? Would there not have been sufficient time between January and April for the passing of such a measure?

**Mr. B. R. Puri :** That is exactly what I was going to say that the new Assembly is to come into being in the very first month of the next year, and there will be no dearth of time and opportunity for the Government to face the new Assembly with a measure of this kind. Evidently, there is some misgiving and fear in the mind of the Government. They know that the present Assembly is a docile body; they know we have been accommodating them in the past in every way; they know that in the present Assembly they can carry any measure,—good, bad or indifferent. Why cannot they wait for another few months? Why cannot they wait and face the new Assembly and then see the fate of their measure?

**The Honourable Sir Nripendra Sircar :** You may not be there.

**Mr. B. R. Puri :** I may not be there, but you may not be there either. Nobody is certain what is going to happen tomorrow. Now, Sir, this brings me to one or two legal propositions which the Honourable the Law Member, in the course of his speech, was pleased to lay down. One was, and lest I might do injustice to the Honourable Member, wherever I will refer to him, I will quote chapter and verse.

**The Honourable Sir Nripendra Sircar :** In my speech there is no rhyme, but only reason.

**Mr. B. R. Puri :** Some people's prose is poetry, and I am quite willing to concede that in the case of the Law Member. His prose is warse. I do not mean w-o-r-s-e.

Now, Sir, the Honourable the Law Member, on page 568, at the bottom of it, is reported to have said :

“ Now, Sir, in considering this Bill I beg of this House to remove from its mind certain considerations which, in my humble submission, are not relevant at all on the sole issue which is being discussed, viz., whether suspects can be detained in jails outside Bengal.”

Sir, you will be pleased to observe that to the Honourable the Law Member the only question that is relevant for purposes of the present debate is the one which he has stated and which I have just now read to the House. Everything else connected with this Bill, according to him, is irrelevant and this he assures us in all humble submission. Sir, any expression of opinion, coming as it does from a high authority like the Honourable the Law Member, is entitled to very great respect. But I venture to think that the view advanced by him is not sound. In the case of a lay Member, perhaps it might be excusable, but when such an expression comes from a Law Member, I think the only ground on which the Law Member's attitude can be explained is that probably the Honourable the Law Member thinks that we are all boobies on this side of the House and that we know no better, otherwise I cannot possibly admit that the absurdity of this contention is not fully known to the Honourable Member. Let me put it in a very crude form. Suppose the Honourable the Law Member received one morning a sealed book with a covering letter saying : “ This book contains the provisions of an Act which we have passed, you are not supposed to open the book. We merely want you to extend the operation of this Act in such and such manner.” Would the obliging nature of the Honourable the Law Member permit him to comply with the demand without looking into the Bill itself ? Would he not like to know the antecedents of these people whom they want to be transported ? Why have they been imprisoned ? What offence they have committed ? On what evidence has their guilt been proved ? What is the procedure that has been followed ? These would be pertinent and legitimate questions which every person or body or Legislature is bound to go into before lending any assistance asked. Before the Bengal Government could ask for our co-operation, we must satisfy our own conscience that they deserve co-operation, and, in determining that question, all these considerations which I have enumerated must be gone into critically, each and every one of them. We are not finding fault as to why the Bengal Council have passed this Act of theirs. They are welcome to do it. They have got the power to pass it and they have done it. We are not finding fault with them in any way. It is they who want our assistance, and, before we do that, are we not entitled to know that it is a case which deserves our assistance. Let me put it in another homely form. Suppose a Government official were to come to you and say : “ Here is a man whom I have awarded 20 stripes. That is the limit of my power, and I cannot exceed it. The man, however, deserves more, and I want you to sanction additional ten stripes”. Would you not go into the whole question ? Would you not ascertain from him what has this man done ? Under these circumstances, could it be urged that the contention of the Law Member is sound ? I submit it is not. That may be the sole desire or the sole object which the Government are trying to achieve, but that is not the sole issue before us. Before we come to decide that issue finally, we

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have to go into all the questions I have set out above. We would not be discharging our duties properly if we did not do so.

The next point urged by my Honourable friend—I am still referring to the Honourable the Law Member—was that it was a mistake to call a measure, such as the present, a “repressive” measure. He seems to have got a strong prejudice against its being called “repressive”. He quoted the authority of a Judge who said that the use of strong and vituperative epithets does not improve the situation. The Honourable the Law Member, however, did not disclose the name of the learned Judge nor the occasion on which the said observation by the unknown authority was made.

**The Honourable Sir Nripendra Sircar :** That occasion was a question of negligence and gross negligence and Chief Justice Denman said that the situation is not improved by adding the vituperative epithet “gross” to negligence.

**Mr. B. R. Puri :** I must thank the Honourable Member for this information which comes in instalments.

**The Honourable Sir Nripendra Sircar :** But you did not apply for this before.

**Mr. B. R. Puri :** However, I am very grateful for this information. Whatever may be the view of that celebrated authority let us revert to the question before us. According to the Honourable the Law Member, every law is “repressive”. The penal provisions for offences like murder and dacoity are “repressive”. According to him, even the penalties provided under the Motor Act are “repressive”. He says that we do not improve the position by condemning this measure by calling it “repressive”, because he says that this is no more a repressive measure than any other penal provision taken out of the Indian Penal Code or out of any of the minor Acts. This is a proposition, Sir, which I contest. I submit that the exposition of the law by the Law Member relating to Habeas Corpus was very exhaustive, but I wish that he had taken a little trouble for the guidance of this House to lay down the definition of the word “repressive”. He has, however, endeavoured to describe it, and I have given you, Sir, his description of the word “repressive”. Now, Sir, I will risk a counter description leaving the House to choose whichever is sound. I venture to submit that all offences fall in one category or the other, they are divisible into two classes, the one includes the offences which are of normal character and which have been and will be committed in all countries, in all climes, by all classes of people, namely, murders, dacoities and such like offences.

**The Honourable Sir Nripendra Sircar :** This is also murder.

**Mr. B. R. Puri :** I hope the Honourable Member will kindly wait and listen. There is another class of offences which are periodical, which are seasonal and there are special reasons, circumstances and causes which give rise to them. They may be of political character, they may be of non-political character, they come and go like a wave of crime which passes through the country. They are not perennial manifestations, they occasionally come and pass away. There are special causes which cause rise to them and those causes have to be tackled in order to uproot them. Exactly parallel of it is the case of ordinary diseases to which we, as human beings,

are subject, as distinguished from epidemics like cholera and plague, and so on. I submit that "terrorism" which no doubt includes murders as the Honourable the Law Member reminded me....

**Mr. K. C. Neogy :** Is it a crime at all ? We are dealing only with suspects and not actual offenders.

**Mr. B. R. Puri :** Undoubtedly we are dealing only with suspects. I take it that the Honourable the Law Member is alluding to certain murders of a political character which have been committed in Bengal. I submit that terrorism is not a phenomenon of a normal character, it is a passing phase, it all depends how long this crime lasts and that depends upon the methods and the remedies that Government employ to eradicate it. That is a separate matter altogether. But it is not of a permanent character. It is abnormal, it is extraordinary. I am willing to concede that on all abnormal occasions, whether it be with regard to crime or whether it be with regard to disease, exceptional measures are needed. These measures must in their nature be more stringent and more severe and it is such measures that are called "repressive" measures. I would ask the Honourable the Law Member to consider my description of what a repressive measure is, which, I trust, is neither extravagant nor misleading. The Government are providing punishments for acts which are no offences under the ordinary law of the land—suspicion, a mere suspicion, though I know that for the sake of ceremony they have added the word "reasonable" to it and that is just to give it a legal gloss. Otherwise, we know what it practically means. If you are the judge of that reasonableness, then a bare suspicion is good enough from your point of view. Any man, no matter what his position in society may be, could be arrested and put into jail for an indefinite period, with certain ceremonies which have to take place periodically. And I say that if this is not repressive law, then the word had better be removed from the English language. I will ask my Honourable friend, the Law Member, to indicate what other law could more appropriately be put into that category which he is pleased to regard as repressive.

Sir, this brings me to a very interesting conversation which I once heard between two Nominated Members. One Nominated Member belonged to the Bengal Legislative Council and the other happened to be one of our own Honourable colleagues. I do not know why they permitted me to listen to such a conversation. Says the Honourable Member of this House to the other, "We started somewhat shakily, but look at the support we have given to Government throughout our life. We have come to Government's rescue, we have passed every measure irrespective of its nature or merits, and I can boldly assert that we have rendered great service to Government". He was, therefore, hoping that these services would be duly and adequately recognised. In answer to this, the Nominated Member of the Bengal Legislative Council turned round and said : "What are your achievements ? Look at our achievements. We have helped Government by a majority of 80 against 20",—which is the boast of the Treasury Benches,—"we have passed a measure, whereunder people can be put into jail without any trial. Is your achievement greater, or ours ?" The Assembly Member had to admit that, in the present state of modern civilisation, it was no doubt a great achievement. So the Bengal Member said : "Not to speak of the searches and forfeitures of property and the

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infliction of fines which could be recovered from the parents and guardians, these are only bye-products, the main thing is that you can catch hold of any man whom the Government do not like, put him in jail, and he has no redress". The Assembly Member rejoined and said: "Yes, but don't forget we came to your rescue. That beautiful Bill of yours, the operation of which was circumscribed within a very limited area,—look to what extent we have extended it". I listened to all this, and I did not know whether to congratulate the one or the other. Finally, they turned round to me and asked me what I thought of all that. I said: "Well, if you will permit me, it reminded me of a little anecdote. Two little boys were playing together, and one of them boastfully said to the other: 'Do you know we have bought a hen?' The other boy said: 'Oh, really? What about it?' He said, 'It laid five eggs yesterday!' 'Well', said the other, 'that's nothing; my father laid a foundation stone the day before! So, is your performance greater, or ours?'"

Sir, here is an opportunity for this House of redeeming its past inactivities. We know Government have had very long innings so far as this Assembly is concerned. They have been batting and we have been fielding. We have dropped so many catches that each and every one of the Government bats has proved a Bradman for us. Sir, here is the last opportunity, and I beg my Honourable colleagues here in this House to look into the merits of this Bill. Let them put their hands to their breasts and ask themselves the question, is this a measure which is consonant with the elementary rules of justice? I am not talking of British justice, but is it based on the universal rules of justice? Can there be any justification in putting a man in restraint, against whom nothing has been judicially proved, and that for an indefinite period? The original Bill is bad enough, and let us not, I submit, make it worse by extending its operation.

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : Sir, I am rather in an unfortunate position, because I have risen to speak after two fountains of wisdom have spoken. It is admitted on all hands that terrorism is a curse, that it is very deep-rooted, and that there is no greater enemy to the peace and prosperity of this country than terrorism. My friend, Mr. Puri, has gone further and established quite correctly that it is more like an epidemic than an ordinary disease. Surely, in exceptional circumstances and for such exceptional diseases, very exceptional measures are called for. It is admitted that it is worse than communism, and you find that very drastic kinds of legislation have been passed in different countries to meet communism; and India needs a very exceptional legislative measure to meet this bigger enemy, namely, terrorism. Having been admitted that it is an epidemic, it must be admitted that prevention is better than cure. It is not wise, it is not advisable, that we should allow the epidemic to flourish and destroy thousands and thousands of lives before we deal with it. It is much more advantageous and in the public interest and for the welfare of our people that we should try preventive measures rather than curative ones. People outside Bengal are only aware of this terrorism from what appears in the papers. But terrorism is in fact much more deep-rooted than we on our side are aware. From the pace at which it is flourishing, from the fact that it has been able to defy the police and the C. I. D. so

long, it is apparent that it has gone very very deep indeed, and ordinary remedies will not provide a sufficient stimulus for the executive to be able to stop it. I had for a long time thought that perhaps terrorism is due to the unemployment among the educated youths, to the very limited openings for the display of their energies and intelligence and the desire for the service of their country, and that if enough means are found to keep them occupied in some business or some occupation or in some profession or service, the time at their leisure, which is now utilised for destructive purposes, may be utilised for more advantageous and progressive purposes in this country. But more and more you know about it and learn about it, you find that that impression which exists in my mind and in the mind of many other people does not stand the scrutiny of facts. We find that very well-to-do and very prosperous people, who are neither hunters for jobs nor in want of employment or occupation, but whose families are well settled down, for some mysterious reason or other take to this kind of terrorism.....

**Mr. B. Das :** Have you got any inner knowledge of it ?

**Sirdar Harbans Singh Brar :** My friend, Mr. B. Das, is perhaps more acquainted with terrorism, and that is why he puts that question to me. We in Northern India are comparatively spared from the misfortunes of terrorism than people nearer Bengal. But, recently, from unofficial sources it came to my knowledge that in colleges and schools even in Northern India people who are found to be nationally minded students in colleges, somehow mysteriously find this terrorist literature lying on their beds or in their rooms unsolicited, and it comes from channels of which they have no knowledge. I was surprised to hear how these things happened. But I was convinced by the experience of somebody who himself was in that college that because he read a few books on literature which tended to preach socialism and democracy.....

**Mr. B. Das :** Socialism is not terrorism.

**Sirdar Harbans Singh Brar :** Just hear me : have some patience. That because his ideas coincided with modern progressive thought of socialism in the west, on some days when he returned from his walks or rounds he found thrown through the window in his room literature on terrorism, and that he could never imagine who threw it or how it came there and how those people came to know that his ideas were moving from conservatism to socialism and thereafter sympathetic to terrorism. Further, I learn that persons from Bengal in different guises living in most aristocratic hotels, dodging the C. I. D. and the police all the way, have been able under disguised forms to come in contact with people who had ideas of socialism. If really these things are a fact and Government are better fitted through their usual agencies to know about them, and then, if the executive is satisfied that these things do happen and that terrorism is so deep as I have described it, surely it is our duty to leave in the hands of the executive to adopt such measures as they consider absolutely necessary for the prevention of this disease rather than for its cure. The interests of India are at stake. We see every day how drastic measures are adopted by different countries for meeting such drastic diseases, and it is idle to deny that we should deal likewise. We saw recently what happened in Germany and what a wonderful testimonial came to the head of the executive from the greatest patriot, Field Marshal Von Hindenburg, the President of the Republic, for

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dealing in such a speedy manner with a disease which threatend Germany and the German nation. We cannot play with the safety of this country and the peoples of India. We must deal, as sound administrators, with problems of this sort and we can quite well leave the administration of these drastic legislative measures in the hands of one who in his own province had always acted in a straightforward and honest manner in the administration. If he had found that the magistracy or police under him was corrupt, he admitted it in the Council and stopped it by taking executive measures and dispensing with the services of those whom he found unfit to discharge their duties. I feel, therefore, that Government should be fully empowered to meet with this terrorism with our co-operation and support.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : But how do you associate the detenus with the commission of these crimes ?

**Sirdar Harbans Singh Brar** : My dear friend, Mr. Gaya Prasad Singh, asks how I connect them. The Government agency can be trusted to place such evidence as lies in their power before the executive and the officials of the Government will certainly sift down that evidence. I feel and I recognise that it is very hard to put a person in detention without giving him a chance to prove his innocence before a Court of law, but that is the ordinary way of dealing with ordinary diseases and ordinary troubles. For epidemics sometimes we have to give an injection to a person however unwilling he may be, in order to prevent the epidemic spreading. It gives him pain, it gives him trouble, it is unwelcome to him ; but in the interests of society, in the interests of his people and his country we have to adopt these measures ; and, in the circumstances I support this motion, for to me the interests of India and her people are far greater than the pleasure of supporting an abstract principle.

**Mr. B. Das** : Sir, I understand that my Honourable friend, Sirdar Harbans Singh Brar, is no longer a Member of the Nationalist Party. That is what I heard just now, because if he spoke as a supporter of Government, he ought to have taken his seat.....

**Sirdar Harbans Singh Brar** : I supported as an elected Member.

**Mr. B. Das** : But you did not support the measure as a member of the Nationalist Party, and if my friend wanted to support the measure, he ought to have taken his seat along with those who generally support Government, and that would have shown him in his true colours.

Now, Sir, not being a lawyer, I am not going to deal with my Honourable friend, the Law Member, with whom my friend, Mr. Puri, has dealt so thoroughly and so ably ; and there are also several legal giants who will deal with the Law Member when he will rise to address the House again, but I will refer to the two speeches that were delivered by the two Members of the Government, the outgoing and the incoming Home Members. Sir, I found a change in the speech of Sir Harry Haig, and I also welcome the very sympathetic manner of delivery of the speech of my Honourable friend, Sir Henry Craik. Both utilised the occasions to take the House into their confidence a little, which we have

not been accustomed to during the past 11 years of my association with this House. I am grateful to both these gentlemen for taking us into their confidence, for telling us that they are human beings, that they have got humanising thoughts or they are actuated by similar feelings as we are on this side of the House, and that they take pains before they come to decisions over cases relating to detenus and anarchists. Sir Harry Haig pointed out that the Bengal Government is exploring conditions and that terrorist crimes would cease in Bengal. Sir, three conditions were given, and the first of them was that the Government were rousing "public opinion". I know how public opinion is being roused in Bengal, how fathers and mothers are being punished for the alleged crimes of their sons and daughters !! Then, there is "unemployment", and the Government of India are assisting the Government of Bengal to remove unemployment. The Government of India, Sir, as everybody knows, are bankrupts today, and every Provincial Government is also a bankrupt today.....

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadian Urban) : No, not Madras.

**Mr. B. Das** : I apologise to my friend. Madras excels in everything, and I know that Madras is prosperous. But, Sir, every Finance Member has got his own pet theories. The outgoing Finance Member started the hare and the Provincial Governments are hunting after it, he started the question of economic planning and economic survey. So nothing will come out of it, and the Bengali youth for whom my friend, Mr. Mitra, pleaded so much will not find employment through the Economic Boards and Economic Surveys of the Bengal Government or of the Government of India.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Then, Sir, much has been said of "Education". I do not think that my diagnosis of the causes of terrorist crimes and terrorist movements tallies with the diagnosis which the Government have arrived at and which they often give out on the floor of the House. Of course, they know the real causes, but they would not like to tell us here what are those causes. How is it that in 1927-28 and 1928-29 the terrorist crimes were in abeyance? How is it that when Mahatma Gandhi issued his appeal to the youth of Bengal particularly—nobody knows who those terrorist youths are,—but when he issued his appeal not to have recourse to terrorist methods but to keep silent till the national leaders of the country settled with the Government about the future Constitution of India, there was a drop in terrorist activities in Bengal? And everybody knows it, and I am sure the Honourable the Home Member will recognise it, that there was certainly a marked decline in terrorist crime after that appeal of Mahatma Gandhi,—in fact there was no crime at all. But what happened in 1931? Mahatma Gandhi went to England as the sole Deputy of the Congress. He was being fooled by the Sankeys and others in the Round Table Conference. The Government of India at that time went on manufacturing instruments of horror, like the Chittagong Ordinances and various other Ordinances. And what happened? When Mahatma Gandhi landed in Bombay, within two days he was arrested. At that very moment he telegraphed to the Viceroy requesting for an interview,—I shall not mention the name of the Viceroy,



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but there was no response. The other day, in reply to a question relating to Mr. Sarat Chandra Bose, it was pointed out that both Messrs. Subhash Chandra Bose and Sarat Chandra Bose have some influence over the youths of Bengal. I do not think, Sir, they have any influence over those youths who are actuated with terrorist impulses. But yet the Government of Bengal did incarcerate Mr. Subhash Chandra Bose and Mr. Sarat Chandra Bose. Even that did not accentuate the feelings in Bengal, but when Mahatma Gandhi was incarcerated in January, 1932, these so-called anarchists and youths of Bengal knew that their leaders could not succeed in persuading the Government to accept the constitutional demands made by the country.

I do not know if I should congratulate my Honourable friend, Sirdar Harbans Singh Brar, on the serious charges that he laid against the students of the Punjab and the U. P., that they are all turning socialists and that they read books on Lenin, Carl Max sent by the Third Internationale through secret channels to the Punjab and U. P. students to read,—but so far as the youths of Bengal are concerned, I know they are intellectual, and they are ever with their great ambition to free their nation, and these youths lost all their faith in reconciliation, in negotiations between the national leaders whom they often hate,—they have expressed opinions of hatred to people who come and hobnob with the Treasury Benches and with the Government of India or with the Governors or the Viceroy,—these youths look upon these leaders with contempt and hatred,—they lost all their faith. Therefore, the real cause of the rerudescence of terrorist crime in Bengal is not what Sir Harry Haig depicted or what the Government of India want the country to believe, but the real causes are altogether different. If a few youths have got anarchist tendencies today, they have become desperate, but why have they become desperate? The real cause is that the Government of India, when the country was in a mood to respond, to reconcile to the conditions after the Gandhi-Irwin Pact,—I don't blame my Honourable friend, Sir Henry Craik, who was then in the Punjab Government,—the Government of India went on manufacturing, not only Ordinances, but instruments that will go against the very spirit of Gandhi-Irwin Pact. Thereafter, if the Bengal Government thought that they could stop the people from holding anarchist and terrorist views by the application of the Bengal Ordinance Act, or even if this House gives sanction that there should be a permanent legislation to stop these crimes, then I say Government are entirely mistaken in their diagnosis of the situation. If Government are made of iron, then I can believe that a machine has no soul and that a machine does not appreciate the spirit of the nation and the feeling of the youths. But, after all, the Government Members are human beings I do not think that in their heart of hearts, or when they are outside this Chamber, they believe in the stories that they trot out on the floor of this House.

As I said at the beginning of my speech, I welcome the very sympathetic speech of the Honourable the Home Member in replying on the debate on the repeal of Regulation III which my Honourable friend, Mr. Amar Nath Dutt, moved. That gives me hope. Today, the Congress, which represents the greatest and the biggest political party in India, is willing to make peace with the Government. It has decided to come into the Legislatures. Government should

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follow it up by dropping all those feelings of prejudice that certain Members of Government bore against the Gandhi-Irwin Pact. To continue to bear those feelings of prejudice is not the way to reconcile two great nations, Britain and India. The Congress is willing today to co-operate, and they have told the world that they are coming into the Legislatures to co-operate, but it should be honourable co-operation. But the interpretation by my Honourable friend, an eminent lawyer like Mr. Puri, of the speech of the Honourable the Law Member proves that the Government are afraid that when the Congress comes in they will not get the least chance to pass such repressive measures easily. They feared that the Federal Government will put powers into the hands of the people, but no Government Member will say that today, because they know that the Federation is receding, but they think that power is going to the provinces, to the people, and they try to hoodwink us by saying that when you get your provincial autonomy you will yourself need these powers. Certainly not. We do not need these lawless and drastic powers. But if I rose to speak on this occasion, it was because I wanted to make an appeal to the present Home Member. I want him to start with a new leaf. He must have had talks with the Governor of the Punjab,—the Gandhi-Emerson talks over which the whole of India rejoiced. Sir Herbert Emerson—at the time he was Mr. Emerson,—the Gandhi-Emerson talks were negotiated with good feeling and goodwill on both sides. Have Government the same goodwill today to the people of India? No. They do not have it. Otherwise, they would not have got behind and broken the spirit of the Gandhi-Irwin Pact and incarcerated Mahatma Gandhi at Yerawada jail in 1932. The leaders of the Congress have assured Government that they are willing to reconcile themselves to the present condition of things. Are the present Government going to irritate them? That reminds me of the speech of Mr. Anklesaria at the second stage of this debate. He had the cheek, he had the insolence to call Mahatma Gandhi an apostle of all subversive movements in India. Who sheltered these Parsis in India twelve hundred years ago when they were driven away for their religion from their homes in Persia? It was the forefathers of Mahatma Gandhi that allowed them to settle down on the shores of Bombay.

**Mr. H. P. Mody :** Why do you condemn all Parsis?

**Mr. B. Das :** I am not condemning all Parsis, Mr. Mody. I hope that Mr. Mody when he returns to Bombay will ask his community of 50,000 Parsis in India to say that Mr. Anklesaria does not represent anybody else but himself in calling Mahatma Gandhi the apostle of all subversive movements. I know what Mr. Anklesaria is angling for. He is angling with the Sanatanists or the Satanists as somebody told me....

**Pandit Satyendra Nath Sen** (Presidency Division : Non-Muhammadan Rural) : But may I remind my Honourable friend that Mr. Gandhi is very anxious to call himself a foremost member of that community which my Honourable friend is pleased to describe as Satanist ! I think my Honourable friend may have also read in this morning's papers that Mr. Satyamurti is fondly inviting the so-called Satanists to join the Congress Party to which my Honourable friend belongs.

**Mr. B. Das :** I was merely repeating a joke. My Honourable friend must have a sense of humour to take a joke as a joke. Now, Sir, that Parsi gentleman is trying to angle with the Sanatanists of Guzerat and

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get their votes, because the Sanatanists, of whom Pandit Sen is one, as we all just now found out,—the Sanatanists are out for the head of Mahatma Gandhi, and, therefore, Mr. Anklesaria had the audacity to say those things which no man would have the courage to repeat outside the floor of this House.

**Mr. H. P. Mody :** He was also joking.

**Mr. B. Das :** But Mr. Anklesaria was joking too much, as he will find it to his cost. Mr. Anklesaria had the audacity to say not only that, but he said that in some way Mahatmaji is responsible for the recrudescence of terrorist crimes in India. I do not know how he got this. I know in Guzerat there are no terrorist crimes, though there is in Maharashtra—there was, not at present. But to connect up Mahatmaji as the inspirer of terrorist crimes in Bengal is sheer nonsense. And I have said that, if there is a revival of anarchism in Bengal, it is due to the incarceration of Mahatma Gandhi, and that proves that Mr. Anklesaria's arguments are all wrong.

Sir, my Honourable friend, Mr. Mitra, spoke about his talk with the Deputy Inspector General of Police in Bengal, the late Mr. Lowman ; after his own incarceration in 1924 or 1925. I think it was 1925, and he was told that it was because the Government of Bengal were afraid lest the leaders of the non-co-operation movement might incite the masses—for what ?—for the legitimate demand of Swaraj. How am I to know that these 1,500 or 1,600 detenus that the Bengal Government has got, some of them or most of them are not real national leaders ? They think differently from friends like Sir Satya Charan Mukherjee or Mr. A. H. Ghuznavi. I hope that my friend, Mr. Puri, did not have Sir Satya Charan Mukherjee in mind when he was giving that story this afternoon. Government know that there are people who believe in the Civil Disobedience Movement. There are people who believe in the non-violent non-co-operation movement, and there are people who believe in the full dominion status movement, but there are loyalists who would go to any extent. They wait in the ante rooms of the Government officials whether at Simla or at Calcutta or Darjeeling. When they talk to high officials, they say that they are quite satisfied with the present order of things until their life passes away, and thereafter it does not matter what comes to India. This is a very important point that Mr. Mitra raised, and let me assure the Honourable the Home Member that the nationalist leaders all over India, whether they are Congressmen, progressives or nationalists, think that these weapons of repression are all designed to suppress the nationalist movement—the demand for self-government—Dominion Status. It may not be full Dominion Status as some of us are now willing to accept. Sir, I live on the border line of Bengal. I was deeply pained to hear the statement from my Honourable friend, Sirdar Harbans Singh, that the rich men's sons from Bengal travel to the Punjab and get hold of these Sikh youths and teach them anarchist and terrorist crimes. My friend may not have visited Bengal, but I know the Bengali youth and I know the Bengali gentlemen and I am in touch with the Bengali press, and I do not think that Bengal has today that large wealth and that the sons of wealthy men like the Honourable the Law Member, who travel like Rajas and princes, teach the youth of the Punjab terrorist and anarchist crimes.

**The Honourable Sir Nripendra Sircar :** My son very often goes to Lahore.

**Mr. B. R. Puri :** Why don't you visit Lahore once ?

**Mr. B. Das :** When the Law Member's son visits Lahore, it must be some professional work and nobody can believe that the son of the Honourable the Law Member, who has accepted the Law Membership in the present Government, can have any sympathy with the terrorist or anarchist crimes. I want the Government to change their attitude towards the people of this country. The more we try to reconcile ourselves to things, the more they become terrorisers and oppressors. They so embitter feelings that I do not know when we sit on these Benches in the next Assembly there will be any friendly relations between this side and that side of the House. I want to know whether it is the policy of the Government of India to re-echo the die-hard sentiments in England or whether it is their policy to reconcile the feelings of all sections in India and to create a good atmosphere. If that be so, the Home Member ought to withdraw this Bill and ought not to give the Bengal Government that permanent lease, so that the officers in Bengal can go on terrorising the people. I am grateful to my friend, Mr. Mitra, for giving certain personal experiences. I also ask the Honourable the Home Member this question. We are all human beings, whether some are Members of the Government or not. I will ask him to find out from 1921 up to this date how many Bengal civilians and police officers have run away from Bengal and have not returned to Bengal. There was one Mr. Donovan, a very friendly Member of this House, the patron of my friend, Sir Satya Charan Mukherjee. He left Bengal and did not want to come back.

**Rai Bahadur Sir Satya Charan Mukherjee (Nominated Non-Official) :** Mr. Donovan did not fly from Bengal on account of the terrorist movement. He resigned the service on account of certain personal reasons.

**Mr. B. Das :** My friend has repeated the story from the *Whip* of Calcutta. My friend gets his inspiration from the *Englishman* which is now defunct. Mr. Donovan was made a Commissioner, but he did not have the courage to remain. The officials in Bengal leave the country and are not returning, because they are afraid of their own handiwork—the seething discontent they have created. I was told that a Chief Justice of the Bengal High Court did not take the train from Calcutta, but took a motor car and took the train from some station outside Calcutta.

**The Honourable Sir Nripendra Sircar :** That was done by Mahatma Gandhi who got down at Belur. The Chief Justice went from Howrah.

**Mr. B. Das :** Mahatma Gandhi got down at a wayside station, because people on account of the love for him overcrowded the stations. He wanted to avoid over-crowding in stations ; but what happened to that Chief Justice ? I am not giving these instances in any vindictive spirit. I am not in favour of the terrorist movement. But the fact is there that overjealous Government officers have so terrorised the people of Bengal that Bengal has no peace. I want the Government to revise their policy in time. If they do not do that, they will lose India. Whether they lose it today or tomorrow, they will lose India if they continue in their mad orgies and mad policy of continuing to govern India by repressive laws. Sir, I oppose the Bill.

**Diwan Bahadur A. Ramaswami Mudaliar :** I will not take more than a few minutes while I speak on this motion. I do not want to go into the merits of this Bill. I only wish to explain the position I am bound to take at the third reading stage when the motion is put to the vote. My Honourable Leader, Sir Abdur Rahim, has made it clear that he would not oppose this Bill if the Government agreed to limit the period to three years, but in case the Government were not prepared to accept it, we on this side of the House were not prepared to disfigure the Statute-book by a permanent legislation of this kind. The Government have not accepted the period of three years and we have no alternative but to record our protest by going into the lobby against the measure.

**The Honourable Sir Henry Craik :** Sir, as I observed in making my motion this morning, I had not the advantage of hearing the three days' debate which took place on this Bill, but I did devote many hours yesterday to reading those debates with considerable care. I felt, Sir, after reading them, that practically everything that could be said about this Bill, either for or against, had been said already, and that was why I refrained from making any speech on the motion for the third reading. After listening to this afternoon's debate, I confess that, though my memory is impaired as the effects of old age and hard work, I cannot recall or can hardly recall a single thing that has been said this afternoon that has not been said at some stage or other of the earlier debates, possibly in different language or phraseology, but still, in substance, the arguments put forward to have have all, or very nearly all, been put forward at an earlier stage. Therefore, in replying, I hope the House will forgive me if I myself am compelled to use arguments in refutation of those used in speeches made by some of my Honourable friends this afternoon which have themselves been made or used by previous speakers on this side.

Sir, the first point made by my Honourable friend, Dr. Ziauddin Ahmad,—who opened the opposition to the third reading,—was that there was no justification for making this supplementary Act one of a permanent nature. Now, that point was very fully dealt with in the speech of my predecessor, Sir Haverley Haig, in dealing with the first of the two amendments, where he made it quite clear that the necessity for permanence was justified by our previous experience of the Acts enforced for short terms, then allowed to lapse and then afterwards revived. He reminded the House that when the Defence of India Act lapsed at the end of the War in 1919 or 1920, it only took a year or two for the terrorist movement to revive. Within a year or two of the lapsing of the Defence of India Act, there was a very serious recrudescence of the movement and that became so serious that a few years later in 1924 it was necessary for the Governor General to promulgate Ordinances re-imposing the powers granted by the Defence of India Act, and these subsequently took the form of legislation by the Bengal Council. Then, again, he explained that practically all the detenus were let out in 1928 and that the special powers were a little later allowed to lapse. They lapsed actually in 1930, I think it was in the beginning of 1930, and within a month or two we had that terrible outrage at Chittagong to which allusion has been made in more than one speech this afternoon. Then, again, after that and after other outrages of the same kind, the special powers had to be taken again. Now they are due to lapse if this Bill is not passed, at any rate

some of them are due to lapse in 1935. As Sir Harry Haig pointed out, all experience shows that it was a mistake to let the special powers lapse; that it encouraged the terrorists, and that it directly contributed to the revival of the terrorist movement after it had once been got fairly well under control. That, Sir, is the justification for making the powers conferred by this Bill of a permanent nature; and, as my Honourable friend, Mr. J. M. Chatterji, the official Member from Bengal, and I may say as several other speakers pointed out, making the powers permanent does not mean that this Act, as it will become I hope, will necessarily remain on the Statute-book for ever. It merely means that so long as the terrorist danger is an immanent one, this very valuable weapon will be available for use. When the movement is finally brought under control, there is no reason why this Act should not be repealed; it is only permanent in the sense that we want it to be continually available so long as the danger, from which it is designed to protect us, is present.

My Honourable friend, Dr. Ziauddin Ahmad, went on to attack the faulty education system in Bengal. On that subject I cannot, of course, follow him—I am aware that he is a very eminent authority on education, especially higher education, which I cannot claim to be—I cannot follow him or refute in detail his attack on the Bengal system, because I have no personal knowledge of it, but I would remind him of a point which was brought out in the debate, that that particular point—the reformation of the system of education, and especially of higher education, in Bengal, with special reference to its effect on the recruitment of young men to the terrorist movement,—is engaging the anxious attention of the Bengal Government. I entirely appreciate my Honourable friend's point and I merely wish to recall now that it has been explained by one of the Government speakers, I think, Sir Harry Haig, himself, that that is a subject to which the Bengal Government are devoting their constant attention. My Honourable friend also alluded to other causes or alleged causes that contributed to bringing in recruits to the terrorist movement—both the economic situation, with its reactions on employment, and so on, and other grievances, real or imaginary, not so much, I think, against Government as against the present organization of society. Now, my Honourable friend's point was that those wider causes were the things which Government had to tackle and that the terrorist movement would never be brought to an end by what he called “repressive” measures alone. Well, there, of course, I am entirely in agreement with him; and I think,—and I thought when I read the debate—that the attitude of Government on that point had been made quite clear by my predecessor, Sir Harry Haig. It is not our attitude that you could by these special laws alone end and finally crush the terrorist movement. I can admit that the causes are deeper than that and that these social phenomena to which my Honourable friend has alluded do require the most careful examination and that it should not be beyond the wit of man to devise, I hope in no very long process of time, some successful solution of those difficulties.

Now, Sir, I pass from my friend, Dr. Ziauddin Ahmad's speech and take up the points made by the next speaker, Mr. S. C. Sen. He cast doubts on the suggestion that the accommodation in the Bengal camps and jails was so congested that it was impossible for the Bengal Government to receive the 500 or so detenus who are now confined at Deoli. I

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should point out that it is not so much a question of congestion in accommodation in Bengal jails or in Bengal detention camps, but of the danger, which has been proved to be no idle chimera, but a real danger, that the more active and leading of these men have, if detained in Bengal, opportunities of communicating with their friends and associates outside and even of actually hatching fresh conspiracies, and that danger is greatly minimised by their detention in a more remote and inaccessible place like Deoli.

**Mr. K. C. Neogy :** That danger was not mentioned in the Bengal Legislative Council by the Home Member. That was Mr. Sen's point.

**The Honourable Sir Nripendra Sircar :** The Bengal Home Member said change of mentality.

**Mr. K. C. Neogy :** Effect on their mentality.

**The Honourable Sir Henry Craik :** Mr. Sen went on to speak, and his accuracy was challenged not by me so much, but by my Honourable colleague, the Law Member, regarding the dates and the sequence of events up to the time of the Chittagong outrage. I am sorry that I am unable to deal with that part of his speech, but he did conclude by a reference to the Rowlatt Act and he asked the House to draw the inference from the fact that Government had never used the procedure of inquiry provided by that Act, that Government were afraid to lay these cases before the kind of tribunal which that Act proposed to set up, namely, I think, two judicial officers and one non-official. Now, that is an entirely misleading inference. My recollection is that there was no such fear that an impartial inquiry by a tribunal of that sort would expose the fallacy of the charges brought against these suspects. It was not that, but it was the general unpopularity excited by the Rowlatt Act as a whole that prevented the Government from ever making use of that Act. In fact, I think, no part of it was ever brought into operation, and it was repealed some three or four years after it was passed. That, however, is ancient history.

Then, Sir, I come to my friend, Mr. S. C. Mitra, the champion of the detenus in this House, and no doubt outside. He put to me several points about the conditions in the Deoli Camp and suggested that interviews were repeatedly refused, that relations of the detenus were not informed of their relatives' health, that their letters remained unanswered, and so forth. He read certain letters, or extracts from one or two letters, which he produced in support of those allegations. I must admit that the extracts he read did not particularly impress me as corroborating all that he said in his speech. In any case, I hardly think that a great deal of weight can be attached to *ex-parte* and interested statements of the kind likely to be contained in the letters of such correspondents.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Government are also following *ex-parte* procedure.

**The Honourable Sir Henry Craik :** Government do, at any rate, try to do their best to ensure that the conditions at these camps are not unduly rigorous and a very elaborate set of rules has been drawn up by the Home Department.

**Mr. S. C. Mitra :** These letters were not sent to me to be read out here. I only made use of them in order to mention specific dates. Government are at liberty to contradict them instead of making the allegation that they are not accurate and are written in an exaggerated form.

**The Honourable Sir Henry Craik :** I did not say that they were inaccurate, but only that, to my mind, they did not carry very much weight. But in dealing with allegations of this sort that in Government institutions—I am not talking of detention camps, but any kind of institution—allegations that abuses exist and that subordinates ill-treat the people committed to their charge, and so on, I am faced with a very familiar difficulty that heads of Departments are frequently faced with. We draw up an elaborate code of rules and we do our best to see that those rules are enforced. Allegations are brought against us that the rules are not, in fact, observed and that the abuses go on. That sort of allegation is obviously extraordinarily difficult to contradict or refute on the spur of the moment. The Honourable Member will admit that I am naturally not in a position to say that these abuses about which he complains do not take place, because the accusation is made across the floor of the House and obviously I cannot telephone to Deoli to ascertain whether they are right or wrong. So, I hope the Honourable Member will appreciate my position which is this that Government do their very best to see that these abuses of which he complains do not take place.

**Mr. S. C. Mitra :** I only asked for an inquiry and the Honourable Member says that he does not attach any importance to the documents I quoted from. There I do not agree with him. Why does he not attach importance to them especially when I have given their dates ?

**The Honourable Sir Henry Craik :** All that I can say is that I will do my best to see that such abuses do not take place (Applause) and that I will make it my very early duty and take the first possible opportunity to follow the example of my predecessor, Sir Harry Haig, and visit the Deoli Camp myself and see that it is being properly conducted. I am not for a moment suggesting that it is not properly conducted, but I do recognise that it is a matter which has excited considerable amount of interest in the Honourable Member and those whom he represents, and I quite agree that it is one of the most important subjects committed to my charge. I propose to make myself acquainted with the conditions prevailing there as soon as I possibly can. At any rate, I only hope that the Honourable Member will wait before making other accusations until I have had an opportunity of looking into the state of affairs there myself. I would only like to remind him that in regard to the statement that interviews are repeatedly refused or rather, I think, he said that no attention is paid to an application for an interview....

**Mr. S. C. Mitra :** I said that no reasons are given. I personally applied for interviews, and they were not only refused, but no reasons for refusal were given.

**The Honourable Sir Henry Craik :** All I can say is that the rules do quite clearly lay that the detenus are entitled to a certain number of interviews. I think it is once a fortnight. But the interviews are only allowed to people who are authorised to have them. That is to say, it



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is not open to anybody to walk up to the camp and say "I want to interview so and so". He must have a proper authorization which he has to obtain from the Bengal Government and it is possible that some persons who apply for an interview—I am only suggesting that this is a possible explanation of what the Honourable Member complains—do so without getting the correct authorisation.

**Mr. S. C. Mitra :** I regularly applied first to the Commandant, and at his request, I applied to the Government of Bengal in my own case. I agreed to observe any condition that Government wanted to impose on me as regards the interview and yet the interview was not granted and no reasons were given.

**The Honourable Sir Henry Craik :** Then, of course, that explanation does not fit the Honourable Member's case. But I suggest that it will fit certain other cases where delay has occurred in answering applications. The Honourable Member, I think, rather hinted at the possibility of there having been a hunger-strike or some such incident at Deoli and of the detenus being punished. All I can say is that the Home Department has heard nothing whatever of any such happening and I am quite certain that if anything of the kind had occurred, then we would have been immediately informed of it. I think I can safely assure the Honourable Member that that suggestion—I do not think he stated it as a fact, but merely as a surmise—that that surmise is in fact quite incorrect.

**Mr. S. C. Mitra :** Will the Honourable Member kindly enquire if there is any reason for prohibiting correspondence for a month and a half in the case of detenus ?

**The Honourable Sir Henry Craik :** In certain cases where the detenu has misbehaved, the privilege of writing or receiving letters can be withdrawn as a punishment. But I do not believe for a moment that there has been any general withdrawal. Such a punishment may have been inflicted on certain individuals, but I think we should certainly have heard if there had been any general penalty of that kind inflicted.

Sir, I do not want to follow the Honourable Member, Mr. Mitra, into the latter part of his somewhat contentious speech, but I cannot allow to pass without challenge one remark he made which was, I think, supported by interruptions from certain other Honourable Members sitting in his part of the House. The Honourable Member stated as an accepted fact that certain communal riots were deliberately promoted by officers of Government. Now, Sir, that is a statement that I have heard made in other cases of communal riots, and it so happens that, in the course of my experience in India, which is now perhaps longer than most Members of this House, either European or Indian, I have had a good deal to do with communal differences. I have seen communal rioting on more than one occasion at first hand and I hope I will never see it again. But that sort of charge I have heard made repeatedly, that these communal differences are promoted either by individual officers of Government or by Government themselves as a deliberate policy. I should like to say here as emphatically as I can that a more wicked and malicious charge and one more utterly without foundation could not possibly be made. (Applause.) If there is one thing that British Government in India stands for, it is for

unity between the various communities. (Hear, hear.) If there is one thing in this country that ensures that that unity is not broken more often than it is, it is the hand of the British Officer. That I know from my own personal experience. (Applause.) The House can take it from me that that experience has been a pretty grim one. A fantastic and unfounded charge like that cannot be allowed to go without being contradicted.

**Mr. K. C. Neogy :** Does the Honourable Member expect those people who have witnessed things with their own eyes to believe what the Honourable Member says ?

**The Honourable Sir Henry Craik :** I have witnessed things as bad.

**Mr. K. C. Neogy :** I have witnessed, and thousands of other people also have witnessed with their own eyes what happened in Dacca.

**The Honourable Sir Henry Craik :** I still cannot accept the Honourable Member's statement. I deny that these communal differences are being fomented by Government.

**Mr. Gaya Prasad Singh :** Divide and rule is the policy.

**Mr. K. C. Neogy :** Will the Honourable Member publish the Neisen report with reference to Chittagong ? It is a report made by an officer of Government with regard to certain things that happened there and the part that the police took in the riots in Chittagong in the name of carrying out searches. (Applause from certain Non-Official Members.) Let the Honourable Member accept this challenge and publish that report. The Honourable Member dare not do it.

**The Honourable Sir Henry Craik :** How does the Honourable Member know the contents of the report ? Has he seen it ? After all, this discussion is not relevant to the subject under discussion today.

**Mr. K. C. Neogy :** This point was referred to by one of the speakers today.

**The Honourable Sir Henry Craik :** Yes, I have replied to that point, and I do not wish to waste the time of the House or discuss any more that particular incident of the debate which was irrelevant, a regrettable irrelevancy. But I did feel that I could not allow a statement of that kind to pass unchallenged.

Now, Sir, I pass with some relief to the speech of my old friend, Mr. Puri, who comes from my home town of Lahore, and I think the House is indebted to him for the delightful story about the rhinoceros which, I must say, was new to me and which I shall try to remember. I would like, if my Honourable friend will forgive me, to draw his attention to the fact that he announced in his opening words that he intended to be very brief, that he only took part in the debate in order that he might register his disapproval of the Bill and he then took 46 minutes by the clock in doing so ! Perhaps the Honourable Member would forgive me if I in reply tell him a short story. Sir, it is known that Mr. Hoover, the late President of the United States, was a peculiarly laconic man, that he was very terse in his conversation. It was related of him on one occasion that on a Sunday morning when he was President of the United States, he went to the Church by himself and when he came back to the White House and sat down with his family to lunch, they said to him .

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"Well, what sort of service did you have? What was the sermon about?" His reply was: "Sin". His family again said: "Tell us something about it. What line did the preacher take about it?" His reply was "He was against it". Now, Sir, my Honourable friend was "against" the Bill, but what Mr. Hoover said in four words it took him 40 minutes to say.

**An Honourable Member** : It must have been Coolidge.

**The Honourable Sir Henry Craik** : I stand corrected. The Honourable Member challenged the Government to show the justification for banishing these detenus to Deoli. Now, that is a point which I have already dealt with and which was also dealt with by Sir Harry Haig and I need not go into it again. He also raised the point of what was the hurry in passing this Bill. That, again, Sir, was a point that was taken on the opening day of the debate on this Bill when the motion was made that the House should take the Bill into consideration. That very point was raised by my Honourable friend, Mr. Gaya Prasad Singh, by an interruption, and the reasons for taking this Bill this Session were explained to him across the floor of the House by Sir Harry Haig. I do not think I need repeat them as they will be within the recollection of the House. I need only say that it would be most awkward for the Government of Bengal if the Bill were to remain suspended in the air for another four or five months with its fate uncertain. The Government of Bengal would naturally be unable to decide what arrangements they would have to make in the contingency of the Bill being thrown out.

Finally, Sir, I come to the speech of my friend, Mr. Das, opposite, and I should like to acknowledge with grateful appreciation his kindly references to my own maiden speech in this Assembly a few days ago. I am grateful to the Honourable Member for the commendatory words he used about that speech. He assured us that the Congress was coming into the Legislature, I understand, with a view to co-operating with Government. I do not quite know what authority my Honourable friend has for making that statement, but I accept that from him and I hear it with pleasure.

**The Honourable Sir Nripendra Sircar** : He has got a ticket.

**The Honourable Sir Henry Craik** : I understand that he is quite certain of his ground in making that statement, no doubt just as certain as he was in making the assumption that he will be back in this House himself; and I certainly hope that in both assumptions he is correct. The co-operation offered, of course, will not be in the spirit of "Heads I win, tails you lose", but honest co-operation and genuine co-operation.

That, Sir, I think, is the only point in my Honourable friend's speech that I need refer to, because his speech, though interesting and refreshing, had really very little to do with the Bill.

Sir, we have now debated this comparatively simple measure for four days, and I think every possible angle and every possible aspect of the Bill has come under the most scrupulous and careful examination, and I do not think there really is anything more to be said either for or against the Bill. No one certainly can accuse this House of having scamped its task in dealing with this Bill. I hope, Sir, it will now proceed to put the crowning edifice on that task by passing the Bill.

# THE BENGAL CRIMINAL LAW AMENDMENT SUPPLEMENTARY (EXTENDING) BILL, 1935

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The 5 P.M. question is :

“ That the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, be passed.”

The Assembly divided :

**AYES—54.**

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Bagla, Lala Rameshwar Prasad.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna Raddi B.  
Bhore, The Honourable Sir Joseph.  
Brij Kishore, Rai Bahadur Lala.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Duguid, Mr. A.  
Ghuznavi, Mr. A. H.  
Grantham, Mr. S. G.  
Grigg, The Honourable Sir James.  
Harbans Singh Brar, Sirdar.  
Heckenhull, Mr. F. W.  
Hudson, Sir Leslie.  
Ibrahim Ali Khan, Lient. Nawab Muhammad.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
Lee, Mr. D. J. N.  
Lindsay, Sir Darcy.  
Lumby, Lieut.-Colonel A. F. R.

Metcalfe, Mr. H. A. F.  
Morgan, Mr. G.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mujumdar, Sardar G. N.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Perry, Mr. E. W.  
Rafuddin Ahmad, Khan Bahadur Maulvi.  
Raisman, Mr. A. J.  
Rajah, Rao Bahadur M. C.  
Ramakrishna, Mr. V.  
Rau, Mr. P. R.  
Richards, Mr. W. J. C.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Scott, Mr. W. L.  
Sher Muhammad Khan Gakhar, Captain.  
Singh, Kumar Gupteshwar Prasad.  
Singh, Mr. Pradyumna Prashad.  
Sircar, The Honourable Sir Nripendra.  
Spence, Mr. G. H.  
Studd, Mr. E.  
Talib Mehdi Khan, Nawab Major Malik.  
Trivedi, Mr. C. M.  
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.  
Zyn-ud-din, Khan Bahadur Mir.

**NOES—34.**

Abdul Matin Chaudhury, Mr.  
Abdur Rahim, Sir.  
Aggarwal, Mr. Jagan Nath.  
Azhar Ali, Mr. Muhammad.  
Badi-uz-Zaman, Maulvi.  
Bhuput Sing, Mr.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gunjal, Mr. N. R.  
Jadhav, Mr. B. V.  
Jog, Mr. S. G.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Liladhar Chaudhury, Seth.  
Maswood Ahmad, Mr. M.  
Mitra, Mr. S. C.  
Mody, Mr. H. P.

Mudaliar, Diwan Bahadur A. Ramaswami.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Neogy, Mr. K. C.  
Pandian, Mr. B. Rajaram.  
Pandya, Mr. Vidya Sagar.  
Parma Nand, Bhai.  
Patil, Rao Bahadur B. L.  
Phookun, Mr. T. R.  
Puri, Mr. B. R.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Rai Bahadur Sukhraj.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 7th August, 1934.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 7th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### PROPOSAL FOR THE REMOVAL OF THE PUSA AGRICULTURAL INSTITUTE.

410. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following remarks published in the editorial columns of the *Times of India*, dated the 20th July, 1934, regarding the proposed transfer of the Pusa Agricultural Institute :

“ The proper way to judge the plan is solely in relation to the great financial stringency of the moment, and the inability of Government to finance many a measure of social importance, let alone reduce the crushing burden of taxation—their first duty. It would be interesting to have more details as to how the Rs. 36 lakhs estimate of the cost of the transfer has been compiled, and whether it has been proved that the capital outlay will be recouped in a reasonable time by savings effected through removal from Pusa. There would be a case for the transfer if that were demonstrated beyond a doubt, but unless and until it can be, the Assembly should turn down the plan ” ?

(b) What amount of saving is expected to be effected every year through the removal of the Institute from Pusa, and how, and what time is it likely to take for the capital outlay to be recouped ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) As explained in the Memorandum submitted to the Standing Finance Committee, no saving in recurring cost is expected.

#### COMPILATION OF A BOOK CONTAINING LIFE NOTES OF THE POLITICAL LEADERS AND SUSPECTS IN INDIA.

411. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that Government have ordered the compilation of what may be described as “ Who is Who ”, containing life notes of the political leaders, and “ suspects ” in India, and that the Provincial Criminal Investigation Departments have been directed to compile such accounts of persons residing in their jurisdiction ? If so, will Government be pleased to state the cost of such a compilation, and the time when it is likely to be in print ?

(b) Can a copy of the correspondence or the instructions issued in connection with it be laid on the table ?

**The Honourable Sir Henry Craik :** (a) No.

(b) Does not arise.

### SECURITY MEASURES FOR LADIES TRAVELLING OVER-NIGHT ON THE BENGAL AND NORTH WESTERN RAILWAY.

**412. \*Mr. Gaya Prasad Singh :** Is it a fact that the authorities of the Bengal and North Western Railway have issued an instruction to their Guards, reminding them of their responsibilities towards ladies travelling at night, to examine all doors and window fasteners of upper class carriages, in order to obtain security for such ladies travelling over-night ? If so, will Government be pleased to lay a copy of such instructions on the table, and state whether they propose to have similar instructions issued on other Railways for the security of ladies travelling during night ?

**Mr. P. R. Rau :** The reply to the first part of the question is in the affirmative. A copy of the instructions issued by the Bengal and North Western Railway is laid on the table. As a result of a recent incident on the North Western Railway, the subject of adequate protection of lady passengers, travelling alone by night, was taken up by the Railway Board : and at their instance, the Agent of the North Western Railway has issued the following instructions :

“(a) Conductor guards are to run regularly on 7 Up and 8 Down mails between Karachi and Lahore, and on 3 Up and 4 Down mails between Lahore and Delhi.

(b) Divisional Superintendents will arrange, for Conductor Guards, wherever it is considered that special circumstances make such provision desirable.

(c) Instructions have been issued to ensure that all door and window fastenings on carriages are kept in efficient working conditions.

(d) Special steps have been taken to rectify any defects to all door and window fastenings as carriages pass through shops.

(e) Instructions relating to the use of door and window fastenings by passengers is to be exhibited in a conspicuous place in all compartments.

(f) Orders have been issued to the effect that, by those trains which have no Conductor Guard, the primary duty of the Guard in charge is to look to the safety of lady passengers.”

2. Other Railways have been informed of the steps taken by the North Western Railway, and the matter has been referred to the Indian Railway Conference Association to consider if they can suggest any further measures in this respect.

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#### *Statement.*

The Bengal and North Western Railway Company Limited.

(Incorporated in England.)

#### *Traffic Manual.*

Addition and alteration Memo. No.....

Page 34, Chapter II.

Add the following as para. 3-XIV.

*XIV. Care of Lady Passengers travelling in upper class compartments alone during night.*

Attention of Guards and Assistant Guards is drawn to the instructions at page 2 paras. 8 and 9 of the Appendix to Working Time Table reproduced below :—

(a) *E. Ladies' Compartments :—*

(1) The doors of 1st and 2nd class ladies' compartments must be locked by Guards of trains at night if so desired by the occupants. Guards should also show passengers how to use the window and door fasteners, and be

prepared to unlock the doors when required. This matter must receive special attention.

- (2) Ladies with 1st or 2nd class tickets travelling alone at night may be permitted to take into the compartment with them one servant holding a third class ticket.

9. *Care of passengers* :—

- (1) Attention is drawn to General Rules 138, 183, 194 and 195 of Part I, and 4 of Part II and Subsidiary Rules thereto. The staff are directed to carry out the orders laid down therein most carefully, station masters and others in authority instructing the staff under them. The greatest care must be taken to see that these orders are carried out and that the safety and welfare of passengers are considered and attended to.

- (2) All cases of criminal assault on passengers in trains or on station premises, whether committed by fellow passengers or by the Company's staff, should be reported at once by telegram to Government Railway Police, Traffic Inspector, District Traffic Superintendent, Traffic Manager and Agent. The District Traffic Superintendent must at once take up the matter, have it enquired into and report to the Traffic Manager.

- (3) In conducting the enquiry, special attention must be directed to see :

- (a) that all rules of the Railway for the protection of passengers have been duly observed.  
(b) That every effort has been made to bring the offender to justice, and  
(c) that every point brought to light in the enquiry has been duly communicated to the Police.

(b) When taking over charge of night trains, Guards must examine all door and window fasteners of upper class carriages and should any of them be found defective the carriage examining staff should be requested to put them right before starting.

(c) If it is not possible to put them right in the time available, a special report should be made in the Guard's Journal giving number of the carriage and particulars of the defects, and a wire sent to the carriage Examiner at destination giving a copy to the District Loco. Superintendent concerned.

(d) Should any ladies be travelling in upper class carriages at night they should be directed to a compartment in which the fasteners are in good order but should this not be possible owing to lack of accommodation the Guard must exercise particular vigilance at every station at which the train stops.

J. D. WESTWOOD,  
*Traffic Manager.*

TRAFFIC MANAGER'S OFFICE,  
Gorakhpur, 25th July, 1934.

**Mr. Gaya Prasad Singh** : Sir, the Honourable Member has been reading out his answer with the rapidity of a mail train. Do I understand him to say that instructions have been issued to other Railways to take similar precautions ?

**Mr. P. R. Rau** : Instructions have been issued on the North Western Railway, and copies have been sent to other Railways to take similar action.

IMPORT OF CUT-PIECES FROM JAPAN.

413. **\*Mr. B. Das** : (a) Have Government received a representation from the Ahmedabad Millowners' Association on the excessive import of standard cut-pieces (so-called fents) from Japan ?



(b) Is it a fact that Japan is sending to India cut-pieces of standard sizes of three yards and six yards to avoid higher tariff thereon ?

(c) What is the total yardage of such standard cut-pieces imported so far from Japan and what is the total loss of revenue thereon ?

(d) What steps are Government taking to stop the import of such cut-pieces under the guise of fents ?

**The Honourable Sir Joseph Bhore :** (a) Yes, Sir.

(b) Statements to this effect have been made in the representations received by Government on the subject.

(c) and (d). Figures relating to the imports of fents of three yards and six yards are not available. I would, however, state that fents over four yards in length are liable to the same rate of duty as cotton piece-goods and are included in the quota fixed for Japanese cotton-piece-goods under the Indo-Japanese Commercial Convention. Government have already issued instructions to the Collectors of Customs to the effect that the lower rate of duty on fents should be applied only to job lots of varying lengths and sizes, not exceeding four yards, rejected by mills on account of their defective weaving or dyeing or other substantial damage. Such fents would invariably be bundled (as distinct from the packing adopted for piece-goods) and invoiced by weight. There is therefore no reasonable scope for any evasion of customs duties.

**Mr. K. C. Neogy :** Has the Honourable Member received representations that there are similar cases of evasion of customs duty on the part of Japan in respect of some other items of cotton textiles, particularly hosiery ?

**The Honourable Sir Joseph Bhore :** I should like to have notice of that question, Sir. My only recollection is that a representation was made that evasion was taking place by shipment to Indian State ports. That matter is receiving the attention of the Government of India.

**Mr. K. C. Neogy :** Have no complaints been received with regard to hosiery ?

**The Honourable Sir Joseph Bhore :** I shall look into that matter.

**Mr. B. Das :** Do I understand the Honourable Member to say that instructions have been issued to Collectors of Customs to the effect that when piece-goods come in sizes of three yards but are packed like ordinary piece-goods, they should be assessed a heavier duty ?

**The Honourable Sir Joseph Bhore :** The point really, Sir, is this, that the mere fact that a piece of cloth is four yards in length, does not bring it under the definition of fent. Collectors of Customs have been given full instructions to see that despite the fact that a piece of cloth may be four yards in length, if it does not fulfil the description which I have just read out, they should treat it as ordinary piece-goods which will be included in the quota which has been allotted for Japanese piece-goods.

**Mr. B. Das :** What steps will Government take to safeguard the problem of three yard cut-pieces coming into the market by paying a lesser duty ?

**The Honourable Sir Joseph Bhore :** I made that point perfectly clear.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Instructions applicable to four yard lengths will be applicable to three yard pieces also.

CHANGE IN THE TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN  
RUNNING BETWEEN SUMMER HILL AND SIMLA.

414. **\*Sardar G. N. Mujumdar :** (a) Will Government please state whether it is a fact that the Army Headquarters special train which used to leave Summer Hill at 9-27 A.M. is now timed to leave that station at 9-5 A.M. from the 24th July, 1934 ?

(b) Will Government kindly state whether the change in the timings was notified to their Secretariat staff ?

(c) Will Government also please state the reason for this sudden change in the timings ?

(d) Are Government aware that the men living in Summer Hill quarters have to leave home before 8-45 A.M. to be in time to catch the train and so have hardly any time to take their meals, bath, etc. ?

(e) Are Government aware that the bulk of the residents in the Summer Hill quarters are the Government of India Secretariat staff and Members of the Assembly and the Council of State, and do Government propose to run the train to its original timings or re-arrange the arrival time of the 8-30 up to 9-30 or 9-45 ? If not, why not ?

**Lieut.-Colonel A. F. R. Lumby :** (a) The Honourable Member's information is correct, except that the change took effect from July 23rd, 1934.

(b) and (c). The Honourable Member does not perhaps realise that this train has been arranged for some years past by the Army Department, to bring members of the staff of Army and Royal Air Force Headquarters resident in Summer Hill, to their work in Simla and is paid for by that Department. The reason for the recent change in timings was that, when the train left Summer Hill at 9-27 A.M., it was delayed by an earlier train, with the result that the clerks referred to arrived late in office. The change was certainly notified to the staffs concerned, and Government have no reason to believe that other persons affected were not aware of it in good time.

(d) So far as the Army and Royal Air Force Headquarters establishments are concerned, the changed timings entail no hardship.

(e) For the reasons just given Government regret that they cannot agree to take the action suggested.

**Mr. Lalchand Navalrai :** What about their taking meals in time ?

**Lieut.-Colonel A. F. R. Lumby :** They seem to manage it, according to my information.

**APPOINTMENTS OF SUPERINTENDENT AND DEPUTY SUPERINTENDENT, WATCH AND WARD DEPARTMENT, EAST INDIAN RAILWAY.**

**415. \*Sardar G. N. Mujumdar :** (a) Is it the policy of the Railway Board that the appointment of Superintendent and Deputy Superintendent, Watch and Ward Department, East Indian Railway should be held only by Imperial Police Officers ?

(b) If the answer to part (a) be in the negative, why was it considered necessary to obtain the services of an Imperial Police Officer to act as Deputy Superintendent, Watch and Ward Department, East Indian Railway, when the permanent incumbent of the post was on leave in 1933 ?

(c) Has this Department been in existence for ten years ? If so, are there no officers or senior subordinate officers fit to act or to be promoted to a higher grade ?

(d) Is it more economical to obtain the services of Imperial Police Officers to act in such vacancies, or are there surplus Imperial Police Officers ?

(e) Is it a fact that the Imperial Police Officer brought in to act in a leave vacancy in 1933, when relieved, proceeded on leave on average pay which was higher than his pay in the Police Department ?

(f) Is the average pay in such cases debitable to Railways ?

**Mr. P. R. Rau :** (a) No.

(b) In the interests of the public service.

(c) The answer to the first part of the question is in the affirmative. The number of officers in the department being small, selection from a wider range was considered desirable.

(d) No question of economy is involved.

(e) Possibly, his leave salary would be calculated according to the ordinary rules.

(f) The distribution of leave salary in such cases will be according to the ordinary rule governing loans of an officer from one Government to another, which is contained in Article 183 (2) of the Audit Code, Volume I.

**FUNCTIONS AND DUTIES OF YARD SUPERVISORS AND YARD INSPECTORS.**

**416. \*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) With reference to the answer given to starred question No. 391, dated the 6th March, 1934, will Government be pleased to state what the function and duties of the Yard Supervisor and Yard Inspectors are and in what material respects they differ from those of Assistant Yard Masters ?

(b) Is it a fact that Indian Yard Supervisors, in big yards like Khana-lampur, Ghaziabad, Delhi and Lahore, etc., perform the same duties as European and Anglo-Indian Assistant Yard Masters on the East Indian Railway and on a lower scale of pay ?

(c) Is it a fact that Number-Takers, after the necessary training, have been and are promoted as Yard Foremen and Yard Supervisors on the

North Western Railway and are found capable of coping with the work of the Yard, and a similar practice obtains on the Oudh and Rohilkhand Railway Section of the East Indian Railway as well ?

(d) Is it a fact that the request of Head Number-Takers to be tested for Assistant Station Masters' examination and to permit them to pick up the work of the post of Assistant Yard Masters, has been turned down on the plea that they cannot aspire to these posts in the East Indian Railway Sections ?

(e) Is it a fact that, in contrast to this, the Divisional Superintendent, Lucknow (old Oudh and Rohilkhand Railway section) has held that the natural avenue of promotion of a Head Number-Taker lies to the post of Assistant Yard Master and, in pursuance of this policy for the second time in the Lucknow Division, has permitted a Head Number-Taker to learn the work of an Assistant Yard Master and given him an officiating chance ?

(f) What answer did the Divisional Superintendent, Lucknow, give on this point to the Agent, East Indian Railway ?

(g) Are Government aware whether, at the time of permitting the Head Number-Taker at Lucknow to pick up the work of an Assistant Yard Master's post and subsequently giving him an officiating chance, the claims of other Senior Head-Number Takers, who were refused these facilities, were considered ?

(h) In view of the Railway Board's letter No. 5153-E., dated the 20th May, 1934, stating that the normal channel of promotion for a Head Number-Taker was provided to the post of a Yard Supervisor, and Government's reply to question No. 391, referred to in part (a) above, stating that the Agent, East Indian Railway, is unwilling to provide facilities to them for their promotion to the posts of Yard Masters and Assistant Yard Masters, will Government please now state to what higher posts must the staff in the Number Takers' category look for their promotions, and what is their normal avenue of promotion ? Is it a fact that the post of Yard Supervisor is non-existent on the East Indian Railway ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to this and the following question together. I have called for information and will lay a reply on the table of the House in due course.

**Mr. Gaya Prasad Singh :** Will the Honourable Member also inquire whether, on the East Indian Railway, Number-Takers are not promoted as Yard Foremen and Assistant Yard Masters ?

**Mr. P. R. Rau :** I shall be pleased to do so.

#### PROMOTION OF NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

†417. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Is it a fact that the Number-Takers on the East Indian Railway have submitted a joint appeal on the subject of their promotion to the posts of Yard Masters and Assistant Yard Masters through their Divisional Superintendents, and if so what answer has been given to this appeal ?

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†For answer to this question, see answer to question No. 416.

(b) What objection has the Agent, East Indian Railway, to get suitable and deserving Head Number-Takers to go through a course of training at the Railway School at Chandausi to make them eligible for promotion to higher posts ? What is the use of maintaining this School, if it is not to qualify staff for higher posts and make them more efficient in their work ?

(c) Is it not the recognised policy of Government to keep an avenue of promotion to higher posts in the upper subordinate cadre open for staff in each category ? If so, why is staff in the category of Number-Takers deprived of this opportunity for promotion when the same is open to clerical staff in other categories ?

(d) Is it a fact that A class Guards are permitted to pick up the work of the post of Assistant Yard Master, prior to their promotion to these posts ? Is this facility refused to Head Number-Takers ?

(e) Is it a fact that as a result of this policy Anglo-Indian and European guards with only a few years service have been promoted as relieving Assistant Station Masters' and to Assistant Yard Masters' posts, and that senior Indian Head Number-Takers and Indian Assistant Station Masters have remained blocked on their maximum of Rs. 110 and retired from that post ?

#### PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKHAND RAILWAY STAFF ON PROMOTION.

418. \***Rai Bahadur Lala Brij Kishore** : With reference to the answer given to starred question No. 746, dated 17th April, 1934, will Government be pleased to state definitely whether the old Oudh and Rohilkhand Railway staff in the old Oudh and Rohilkhand Railway grades of Rs. 78—3—90 and 75—5—100, after their transfer to the East Indian Railway Section, will on promotion get the East Indian Railway grade of Rs. 105—5—120 or old Oudh and Rohilkhand Railway grade of Rs. 104—6—140 and whether similarly the old Oudh and Rohilkhand Railway staff in the old Oudh and Rohilkhand Railway grade of Rs. 104—6—140, after their transfer to the East Indian Railway Sections will get their promotion to old Oudh and Rohilkhand Railway grade of Rs. 220 or the East Indian Railway grade of Rs. 200 ?

**Mr. P. B. Rau** : I have called for information and will lay a reply on the table of the House in due course.

#### ALLOTMENT OF ORTHODOX AND UNORTHODOX CLERKS' QUARTERS IN SIMLA.

419. \***Mr. Bhuput Sing** : (a) Is it a fact that A type orthodox clerks' quarters in Simla are four-roomed blocks, and is it a fact that such four roomed blocks are allotted to persons getting a salary of Rs. 300 and above ?

(b) Is it a fact that there are A type unorthodox quarters which are styled as four-roomed blocks, and is it a fact that such four-roomed blocks are allotted to persons getting a pay of Rs. 450 and above ?

(c) Is it a fact that B type orthodox clerks' quarters in Simla are three-roomed blocks, and is it a fact that such three-roomed quarters are allotted to persons getting a salary of Rs. 150 and above ?

(d) Is it a fact that there are B type unorthodox quarters which are also in some cases styled as three-roomed quarters, and is it a fact that such three-roomed quarters are allotted to persons getting a pay of Rs. 300 and above ?

(e) Is it a fact that C type orthodox clerks' quarters in Simla are two-roomed, and is it a fact that such two roomed quarters are allotted to persons getting a pay upto Rs. 150 ?

(f) Is it a fact that there are C type unorthodox clerks' quarters in Simla which are also in some cases styled as two-roomed quarters and is it a fact that such two-roomed quarters are allotted to unorthodox men getting pay upto Rs. 300 ?

(g) If the reply to the preceding parts be in the affirmative, will Government be pleased to state the reasons, why unorthodox people getting higher pay, are allotted quarters with smaller accommodation than those allotted to their orthodox colleagues ? Do Government propose to do away with this distinction—in the fixation of a minimum pay for the purposes of allotment of different classes of accommodation ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) to (f). Married clerks quarters in Simla, both orthodox and unorthodox, are divided into A B and C classes according to the accommodation provided. The three classes of unorthodox clerks' quarters at Summer Hill are sometimes referred to as 4 roomed, 3 roomed and 2 roomed quarters, but this is not an official designation and is not applied to quarters elsewhere than at Summer Hill.

The quarters are allotted as follows :

*Orthodox.*

A class to officers drawing over Rs. 300 but less than Rs. 600 a month.

B class to officers drawing Rs. 150 and over but not more than Rs. 300 a month.

C class to officers drawing less than Rs. 150 a month.

*Unorthodox.*

A class to officers drawing over Rs. 450 but less than Rs. 600 a month.

B class to officers drawing Rs. 300 and over but not more than Rs. 450 a month.

C class to officers drawing less than Rs. 300 a month.

(g) The pay limits were settled in consultation with the Imperial Secretariat Association, and Government do not propose to make any change. The limits for unorthodox quarters are considerably lower than those which were in force prior to 1925, and were designed to ensure a fair distribution of the accommodation available. Moreover, the unorthodox accommodation is on the whole better than the orthodox accommodation, and this in itself is a justification for the distinction to which the Honourable Member refers.

## UNORTHODOX QUARTERS IN SIMLA.

420. **\*Mr. Bhuput Sing :** Will Government be pleased to state separately the number of each of the A, B and C types of unorthodox quarters at Kaithu, Summer Hill and Tuti Kandi ?

**The Honourable Sir Frank Noyce :** I lay on the table of the House a statement giving the information asked for by the Honourable Member.

*Statement showing the number of different classes of unorthodox clerks' quarters at Kaithu, Summer Hill and Tuti Kandi, Simla.*

			A Class.	B Class.	C Class.
Kaithu	..	..	2	4	38
Summer Hill	..	..	45	30	10
Tuti Kandi	..	..	1	..	2

## UNORTHODOX QUARTERS IN SIMLA.

421. **\*Mr. Bhuput Sing :** Is it a fact that there are only four B type quarters and two A type quarters as against 38 C type quarters in Kaithu ? If so, do Government propose to convert some of the C type quarters into B type by some additions and alterations ? If not, why not ?

**The Honourable Sir Frank Noyce :** The reply to the first part of the question is in the affirmative. As regards the second part, Government do not consider it desirable to make any change, as the proportion of quarters, available at Summer Hill, Kaithu and Tuti Kandi to total demand, is greater for B than for C class, and the C class demand for quarters at Kaithu and Tuti Kandi is more than adequate.

## UNORTHODOX QUARTERS IN SIMLA.

422. **\*Mr. Bhuput Sing :** (a) Are Government aware that practically all the men, entitled to A and B types unorthodox quarters under the present scales of pay, fixed for the different types of quarters, will have no chance of being allotted Kaithu quarters ? If so, do Government propose to amend the rules in such a way that all will have a fair chance of being allotted quarters in Kaithu ? If not, why not ?

(b) Are Government aware that under the existing scales of pay fixed for B types, once a man in the second division of the Secretariat or a man in the first division of the Railway Board gets one such quarter in Kaithu, he blocks the claims of others to these quarters and no one would be able to obtain such quarters till such a man retires from service ?

(c) Do Government propose to amend the allotment rules in such a way by which either the maximum pay limit or a maximum number of years' stay in a particular type of quarter, whichever is earlier, should debar the men to Government quarters until they are entitled to a higher type of quarter by virtue of their increase in pay ? If not, why not ?

(d) Is it a fact that in the matter of exchange of one unorthodox quarter to another in Simla the longer stay in the unorthodox quarter

has been made the criterion in the allotment rules ? Is it also a fact that men have been compelled under the rules to adopt the same type, either orthodox or unorthodox, both in Delhi and Simla ?

(e) Is it also a fact that the European quarters in Delhi were declared unorthodox on the 16th January, 1924, whereas the European quarters in Simla were declared unorthodox only in December, 1931 ?

(f) Are Government aware that men who were really unorthodox occupied such quarters in Delhi before 1926 when the men had to pay minimum fixed rent for such unorthodox quarters in Delhi, irrespective of pay ?

(g) Is it a fact that since that minimum fixed rent has been substituted by the 10 per cent. rent on the basis of pay, many people who were not keen before have styled themselves as unorthodox for the purposes of better accommodation ? If so, do Government propose to amend the rules for exchange of unorthodox quarters in Simla in such a way that the continuous longer stay in the unorthodox quarters since 1924 in Delhi should be made the criterion of getting preference for such exchanges either in Simla or Delhi ?

(h) Are Government aware that those men who occupied unorthodox quarters in Delhi before the introduction of the rent on the 10 per cent. of pay basis, suffered heavily by way of rent ? If so, will Government be pleased to state the reasons why the men who have suffered financially and gave Government better revenues for all those years before 1926, should not be given some preference in the matter of allotment of quarters in Kaithu ?

**The Honourable Sir Frank Noyce :** (a), (b) and (c). Government are aware that as there are only two A class and four B class unorthodox quarters at Kaithu, and as persons to whom the quarters are allotted remain in occupation until they become "out of class", the chances of any individual applicant obtaining quarters at Kaithu are comparatively small. Government are not, however, prepared to change the rules relating to lien which have worked satisfactorily.

(d) The reply to the first part is in the affirmative. The Honourable Member will find a copy of the rules in the Library. With regard to the second part, no Government servants have been compelled to adopt any particular style of living either in Delhi or in Simla. Applicants for Government accommodation are, however, expected to be consistent, and those who are consistent are, under the orders of Government, given preference over those who wish to change their style of living.

(e) I am prepared to take it from my Honourable friend that the European quarters in Delhi were declared to be unorthodox in 1924. The decision was probably one of the New Capital Committee, which no longer exists. The change was made in Simla in October 1931.

(f) I cannot say whether the men who occupied unorthodox quarters in Delhi before 1926 were really unorthodox or not. The percentage rates for the rent of all quarters, (which were very favourable), were uniform, except during the years 1920-21 and 1922-23, when slightly higher rates were charged for unorthodox quarters.



(g) Government have no information as to the first part of the question, and do not think that any useful purpose would be served by the amendment of the rules in the manner proposed.

(h) The fact that certain persons may in the past have paid higher rent for unorthodox quarters in Delhi than they would have paid for orthodox quarters, does not justify the grant to those persons of any special concessions in Simla or elsewhere.

**CONGESTION IN THE ROOMS OCCUPIED BY THE CLERICAL STAFF IN THE OFFICE OF THE DIRECTOR GENERAL, POSTS AND TELEGRAPHS.**

423. **\*Mr. Sitakanta Mahapatra :** (a) Is it a fact that the office of the Accountant General of Posts and Telegraphs has been located in some rooms allotted to the office of the Director General of Posts and Telegraphs ? Is it a fact that separate accommodation was provided for the former ?

(b) If the reply to part (a) be in the affirmative, will Government please state under whose order this was done ?

(c) Is it a fact that in consequence of this arrangement the staff of the office of the Director General of Posts and Telegraphs has been greatly inconvenienced ?

(d) Do Government propose to look into the matter and see that the congestion in the rooms occupied by the clerical staff in the office of Director General, Posts and Telegraphs is removed ?

**The Honourable Sir Frank Noyce :** (a) The fact is not exactly as stated ; a portion of the accommodation occupied by the office of the Director General of Posts and Telegraphs was found to be in excess of the standards prescribed by the Government of India. This excess was utilised for the accommodation of some of the Branches of the office of the Accountant General, Posts and Telegraphs, in the interest of efficiency and economy.

(b) The arrangement was made by the Director General, Posts and Telegraphs, and the Accountant General, Posts and Telegraphs, in consultation.

(c) No.

(d) Does not arise.

**OFFICE ACCOMMODATION ALLOTTED FOR THE OFFICE OF THE ACCOUNTANT GENERAL OF POSTS AND TELEGRAPHS IN THE NEW DELHI SECRETARIAT.**

424. **\*Mr. Sitakanta Mahapatra :** (a) Is it a fact that the office of the Accountant General of Posts and Telegraphs has been shifted in the summer months of this year from Old Delhi to New Delhi ?

(b) If so, will Government please state (i) what office accommodation was allotted for that office in the New Delhi Secretariat and (ii) whether the accommodation provided is being used by that office ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) (i) 3,231 square feet of floor area and a record room.

(ii) Yes, except that it has been possible to surrender a room with a floor area of 1,089 square feet, originally provided for that office, by accommodating certain sections of the Office of the Accountant General, Posts and Telegraphs, in surplus space available in the office of the Director General, Posts and Telegraphs.

**CHANGE IN THE TIMINGS OF THE ARMY HEADQUARTERS SPECIAL TRAIN  
RUNNING BETWEEN SUMMER HILL AND SIMLA.**

**425. \*Mr. Sitakanta Mahapatra :** (a) Are Government aware that the timing of the Army Special Train, which used to start from Summer Hill at 9-35 A.M. before, has been changed to 9-5 A.M. ?

(b) Are Government aware that this change in the timing is causing great inconvenience to the small school-going children of the employees of all the Civil Offices of the Government of India who have been provided quarters at Summer Hill ?

(c) Will Government be pleased to state the number of gentlemen and lady clerks and assistants taken together who are employed in the Army Headquarters and have been officially allotted Summer Hill Government quarters for the year 1934-35 ?

(d) Do Government propose to place on the table of this House a statement showing the names of the clerks and the numbers of the respective quarters allotted to those employed in the Army Headquarters who are required to attend office at 10 A.M. ? If not, why not ?

(e) Will Government be pleased to state the total number of clerks and assistants taken together, who are employed in the Civil Departments of the Secretariat and other offices of the Government of India and who have been officially allotted Government quarters at Summer Hill ?

(f) Do Government propose to place on the table of this House a statement showing the names of the clerks and assistants and the numbers of the respective quarters allotted to those employed in the Civil Departments and offices of the Government of India whose office hours are 10-30 A.M. ? If not, why not ?

(g) Will Government be pleased to state the total number of free railway passes which have been issued by the Army Headquarters to the clerks and assistants of the Army Headquarters and the number of free railway passes issued to their children residing in Summer Hill quarters, for their conveyance between Summer Hill and Simla ?

(h) Will Government be pleased to state the total number of monthly season tickets which have been issued by the North Western Railway between Summer Hill and Simla during the current month ?

(i) Will Government be pleased to state the total number of free railway passes issued by the Railway Board and the North Western Railway administration between Summer Hill and Simla during the same period as in part (h) ?

(j) Is it a fact that the total number of passengers holding monthly tickets on payment and railway free pass-holders, whose office and school hours are 10-30 A.M., is greater than the number of passengers holding Army Headquarter passes, whose office and school

hours are 10 A.M. or earlier ? If so, will Government be pleased to state the reasons for ignoring the conveniences and inconveniences of a larger number of the travelling public by changing the timing of the Summer Hill Special ?

**Lieut.-Colonel A. F. R. Lumby :** (a) Yes.

(b) to (j). The attention of the Honourable Member is invited to the reply I have just given to Sardar G. N. Mujumdar's question No. 414. Having regard to the explanation given in that reply, Government do not consider that any useful purpose would be served by collecting the information asked for by him.

#### FREE CONVEYANCE TO ONE CLASS OF GOVERNMENT SERVANTS.

426. \***Mr. Sitakanta Mahapatra :** Will Government be pleased to state the reasons why they should allow free conveyance to a class of Government servants and refuse the same to the Secretariat and other civil offices staff ?

**The Honourable Sir Henry Craik :** The Honourable Member's reference to free conveyance to a class of Government servants is presumably to the free railway train service between Summer Hill and Simla for the employees of Army Headquarters, a concession which is not at present allowed to the members of the Civil Secretariat and their Attached Offices. The question of granting this concession to the staff of the latter has been considered more than once on representations from the Imperial Secretariat Association, but in view of the differences between the pay and leave terms of the staff of Army Headquarters and that of the other offices, Government see no justification for extending the concession to the civil offices.

#### DISPOSAL OF INCOME-TAX OBJECTIONS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

427. \***Mr. Sitakanta Mahapatra :** (a) Is it a fact that the proviso to section 45 of the Income-tax Act is considered a dead letter by the Income-tax authorities in Bihar and Orissa, and the discretion vested therein is refused as a rule ? Are Government aware that the Income-tax officers in Bihar and Orissa make a demand within the year in all cases in their charge, summarily under section 23 (4) ?

(b) Are Government aware of the huge amount of interest that the tax-payers lose on account of the actions of the Income-tax officials in Bihar and Orissa ? If so, do Government propose to issue necessary instructions to expedite disposal of objections in all cases in which big amounts of tax are involved or collected ?

**The Honourable Sir James Grigg :** (a) As regards the first part of the question, the answer is in the negative. As regards the latter part, it is not understood what is meant, as under the Income-tax Act, all assessments including those under section 23 (4) are expected to be made during the year concerned and demands in respect thereof are to be made as soon as they are completed.

(b) All the evidence at my disposal goes to show that the Honourable Member's allegations are unfounded and the question of issuing instructions does not, therefore, arise.

CASES REMANDED OR RE-OPENED UNDER CERTAIN SECTIONS OF THE INDIAN INCOME-TAX ACT.

428. \***Mr. Sitakanta Mahapatra** : Will Government please lay on the table a statement showing the number of cases remanded under section 31 or 33, or re-opened under section 27 of the Indian Income-tax Act, in the years 1931-32, 1932-33 and 1933-34, the total amount of tax found refundable thereon, and the number of them in which more than six months elapsed between the date of actual collection of the tax and the date of actual refund ?

**The Honourable Sir James Grigg** : The required information is not available.

JUDGMENT OF THE PATNA HIGH COURT IN THE CASE OF RAGHUNATH MAHADEO.

429. \***Mr. Sitakanta Mahapatra** : (a) Has the attention of Government been drawn to a judgment of the Patna High Court in the case of Raghunath Mahadeo, reported in All-India Reporter 1925-Patna, page 694, and the remarks made therein by the then Chief Justice in the following words ?

\* \* \* \* \*

“ The facts as set out in the petition and as stated by Mr. Jayaswal on behalf of the assessee are that the accounts produced in support of the cloth, gold, silver and jute businesses, although not balanced or not closed in the sense I have already referred to, undoubtedly show by taking very slight trouble and carrying out a very simple sum in arithmetic what the actual profits made for the year in question were. If that is so it seems to me quite clear that *the Income-tax Officer was negligent in his duty* in failing to carry out that simple matter himself and so ascertain what was the effect of the books. *He cannot shirk his duty by merely stating that the account is not balanced if the result of that balance can be ascertained by taking small amount of trouble. The books were there but he apparently refused to accept them merely upon that ground. In my opinion he was not entitled to act in that way.*” \* \* \* \* \*

What steps, if any, were taken against the officer concerned to stop repetition of such cases in future ?

(b) Are Government aware that such abuse of powers against all rules of fairness, justice and consideration of the established principles of law, are only too common among the Income-tax authorities in Bihar and Orissa ? If so, will Government please state if and how they propose to redress these every day grievances of the tax-payers in Bihar and Orissa ?

**The Honourable Sir James Grigg** : (a) The case referred to was decided nine years ago, and as Government do not preserve records pertaining to matters of this kind for so long a period, the required information is not available.

(b) The answer to the first part of the question is in the negative and in consequence the latter part does not arise.

**Mr. Lalchand Navalrai** : May I know from the Honourable Member whether he is aware that this practice is going on all over India where the Income-tax Officers on small grounds throw away the account books that are produced before them, because they are not closed. If they only go into them, they will know what the account really is. That is the complaint throughout India, and this instance having been cited, will the Honourable Member kindly issue a circular to the effect that the Income-tax Officers must take the account books as they are produced

before them and find out for themselves by a little bit of calculation what the result of the accounts is ?

**The Honourable Sir James Grigg :** I would certainly consider issuing a circular if the Honourable Member would produce to me some verification of his statement that there have been complaints of this practice all over India. If there had been such complaints, it is very surprising that the Central Board of Revenue have no information as to that.

**Mr. Lalchand Navalrai :** May I inform the Honourable Member that I myself have raised such questions, but unfortunately the Honourable Member was not here in those days. In those days complaints have been made and these are in the office and could be found out by the Central Board of Revenue.

**The Honourable Sir James Grigg :** If that is so, I shall look into it.

PETITIONS UNDER SECTION 66 (2) OF THE INDIAN INCOME-TAX ACT IN  
BIHAR AND ORISSA.

430. **\*Mr. Sitakanta Mahapatra :** (a) Will Government please lay on the table a statement showing the number of petitions under section 66 (2) of the Indian Income-tax Act filed and the number of them actually referred to the High Court, the number rejected by the Commissioner, and the number withdrawn or decided under section 33 thereof in Bihar and Orissa in each of the years 1931-32, 1932-33, 1933-34 and 1934-35 (up to date) ?

(b) Are Government aware of the inordinate delay made by the Commissioner in dealing with petitions under section 66 (2) of the Act and the loss of interest caused to the assessee thereby ?

**The Honourable Sir James Grigg :** (a) A statement giving the required information is laid on the table.

(b) No. As regards loss of interest, for the information of the Honourable Member, I would add that in the case of references to a High Court under section 66 (2) of the Income-tax Act, when an assessee is successful, the amount of tax paid is refunded with interest as per section 66 (7) of the above Act.

*Statement showing the number of petitions filed under section 66 (2) and the number actually referred to High Court, the number rejected by the Commissioner and the number withdrawn or decided under Section 33 in Bihar and Orissa in the years 1931-32 to 1934-35 (up-to-date).*

Year.	Number of petitions filed under Section 66 (2).	Number actually referred to High Court.	Number decided and rejected by the Commissioner.	Number withdrawn by the assessee.
1931-32 .. ..	71	4	47	20
1932-33 .. ..	51	8	30	13
1933-34 .. ..	51	6	34	11
1934-35 (up-to-date)..	29	Nil	Nil	Nil

JUDGMENT OF THE PATNA HIGH COURT IN THE CASE OF SETH BANSHIDHAR PADDAR.

431. \*Mr. Sitakanta Mahapatra : (a) Has the attention of Government been drawn to a recent judgment of the Honourable the Patna High Court in the case of Seth Banshidhar Paddar, published in All-India Reporter, 1931, Patna 46 and the remarks of the Honourable the Chief Justice therein, deprecating the procedure adopted by the Commissioner of Income-tax in Bihar and Orissa, in starting an inquiry after the order of the High Court directing him to state a case, in the following words ?

“ The procedure adopted by the Commissioner in starting an inquiry after the order of the High Court directing him to state a case is to my mind to be deprecated in this particular case, because it is clearly a hurried inquiry undertaken in order to bring the case within the law as stated by the Privy Council. The assessee was all along under the impression, as was indeed the Court, that the matter to be dealt with was the state of facts which led up to the appellate order and materials upon which the appellate order founded the decision. At the last minute to conduct a sudden inquiry even if that were a legal inquiry is hardly a procedure in accordance with the principle of fairness to the assessee nor has the inquiry, itself, such as it is, resulted in any further finding of fact which is of assistance in determining the point before us.”

(b) If the reply to part (a) be in the affirmative, do Government propose to stop such misuse of powers by the head of the Income-tax Department in Bihar and Orissa, and insure justice and fairness to the common tax-payer ?

The Honourable Sir James Grigg : (a) The answer is in the affirmative.

(b) Government do not admit that there was any “ misuse of power ”, as the Commissioner of Income-tax thought it advisable to make further enquiries in the case, simply because in his opinion, all the facts required to state the case properly before the High Court were not available.

REPORTS OR REMARKS WHEN CALLING FOR INCOME-TAX CASES UNDER APPEAL IN BIHAR AND ORISSA.

432. \*Mr. Sitakanta Mahapatra : (a) Are Government aware that instead of refraining from asking for reports or remarks when calling for the records of cases under appeal, as directed in the instructions issued by the Central Board of Revenue in 1927, the appellate officers in Bihar and Orissa as a rule not only call for such reports in all cases without exception but also insist invariably on the presence of either the Income-tax Officer or the dealing Inspector Accountant at the time of the actual hearing of appeals ?

(b) If the reply to part (a) be in the affirmative, do Government propose to stop this malpractice ? If not, why not ?

(c) If the reply to part (a) be in the negative, do Government propose to make an enquiry into the matter ?

(d) Is there a printed form for calling for such reports in appeals and if so, what was the total number of such forms used by the different Assistant Commissioners in Bihar and Orissa in 1932-33 and 1933-34 ?

**The Honourable Sir James Grigg :** (a), (b) and (c). Reports are called for by appellate officers, to give the assessing officer an opportunity of commenting on the various allegations made in the appeal lodged, which seems to me quite fair and reasonable. The assessing officer is present during the hearing of an appeal, only when the appellate officer considers it necessary to have an explanation as regards any statement in the Assessment Order the meaning of which may be doubtful. As the explanation is given in the presence of the appellant, there can be nothing unfair in this procedure.

(d) Yes. The number of forms used was 3,371 for 1932-33 and 3,140 for 1933-34.

**QUOTATION OF FOREIGN OUTWARD STATION TO STATION GOODS RATE ON THE NORTH WESTERN RAILWAY.**

433. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that an experiment to facilitate the quotation of foreign outward station to station goods rate was started on the North Western Railway in 1929 and is still in the experimental stage ?

(b) Is there anything in the nature of the work of the experiment on account of which it has continued as an experiment for such a long period ?

(c) Is the Railway over which it is working now in a position to say whether the experiment is a success or not ?

(d) How much has been spent upon this experiment so far since the beginning of it ? What are the recurring expenses of the experiment ?

(e) Is it a fact that the Agent, North Western Railway, had submitted his final report on the working of the experiment, recommending that the scheme may be placed on a permanent basis ? If so, on what grounds has the Railway Board decided to continue it as an experiment for two years more ?

**Mr. P. B. Rau :** (a) Yes, except that the registers were not issued to stations till the close of year 1930.

(b), (c) and (e). The Agent, North Western Railway, has reported favourably on the experiment but his report was based only on six months experience during which period changes in rates have been comparatively few. The Railway Board have decided to continue it as an experimental measure for two years in order to obtain further data to arrive at a decision whether the cost incurred is justified.

(d) The total cost, including cost of compilation and maintenance up to the end of 1933-34, was Rs. 2,90,261. The recurring expenditure is estimated at about Rs. 39,000 per annum.

**FUNCTIONS, DUTIES AND SCALES OF PAY OF JOURNEYMEN EMPLOYED IN THE VARIOUS DEPARTMENTS OF THE NORTH WESTERN RAILWAY.**

434. **\*Bhai Parma Nand :** (a) Are the functions, duties and scales of pay of all journeymen, employed in the various Departments of the North Western Railway similar ?

(b) Is it a fact that the new Leave Rules issued in the Railway Board's letter No. 8373[E., dated the 20th February, 1930, and enforced on the North Western Railway, with retrospective effect from the 1st April, 1927, have deprived the journeymen of the Mechanical Workshops of the North Western Railway of the privileges of leave that the said journeymen were entitled to enjoy previous to that date ?

(c) Is it a fact that whenever Government have had the occasion to revise schemes, overhaul systems and frame new rules, it has never been the object to deprive any one of the privileges enjoyed by him under the old set of rules ?

(d) Is it a fact that the journeymen employed in the sheds and the journeymen chemists and monthly rated mechanical staff other than journeymen employed in the shops, having their scales of pay much lower than that of journeymen, e.g., Train Examiners, Block Maintainers, etc., are all allowed to enjoy the privilege of leave admissible to the supervisory staff ?

(e) Is it a fact that those of the apprentices of the Mechanical Workshops of Moghulpura and Sukkur who, after the completion of a five years' course of practical and theoretical training, are retained as journeymen in the scale of Rs. 100—10—170, are treated as "inferiors" and "labourers" for the purposes of the new Leave Rules ? Is it a fact that the illiterate mistries knowing only thumb rule methods are promoted as "junior chargemen" in the same scale of pay as that of journeymen, but are treated as supervisors and thus given the benefit of privilege leave ?

(f) Is it a fact that the practice in the Electrical Branch of the North Western Railway is *vice versa* to that mentioned in question (e) ?

(g) Is it a fact that the duties actually performed by the journeymen in all the shops are either of supervisory or of clerical nature or of both, but the North Western Railway Administration are always trying to maintain that the journeymen are mere labourers ?

(h) If the answers to parts (a) to (g) be in the affirmative, do Government propose to abolish the distinction between the "journeymen" and other staff employed on the same scale of pay in the various departments of the North Western Railway in the matter of the application of Leave Rules ?

(i) Has any representation to the above effect been made to the Railway Board by the Railwaymen's Federation ?

(j) Have Government taken any action in this behalf ? If not, do Government propose to take any action in this connection, and if so, when ?

**Mr. P. R. Rau :** I have called for certain information necessary to enable me to reply fully to the question and will lay a reply on the table of the House in due course.

**Mr. Lalchand Navalrai :** I believe they will be presented in the next Assembly !

(No answer.)

RECRUITMENT OF PROVINCIAL CIVIL SERVICE MEN AS ASSISTANT SECRETARY, UNDER SECRETARY, ETC., IN THE GOVERNMENT OF INDIA OFFICES.

435. \***Khan Bahadur H. M. Wilayatullah :** (a) Will Government be pleased to state if Provincial Civil Service men are recruited from the Provinces for appointment as Assistant Secretary, Under Secretary, etc., in the offices of the Government of India ?



(b) If the reply to part (a) be in the affirmative, will Government be pleased to state how many such officers were recruited and appointed during the last ten years, and from what Provinces ?

(c) Was a member of the Provincial Civil Service from the Central Provinces ever recruited for these appointments ? If not, are Government prepared to consider the desirability of making a selection in future from the Central Provinces also ?

**The Honourable Sir Henry Craik :** (a) I would refer the Honourable Member to the answer to part (a) of Mr. Lalchand Navalrai's starred question No. 90, on the 20th January, 1930. The position briefly is, that in some Departments the posts of Secretary, Joint Secretary, Deputy Secretary, and Under Secretary are reserved for Indian Civil Service officers. Posts of Assistant Secretary are ordinarily filled from the Imperial Secretariat Service.

(b) I lay on the table a statement giving the information desired.

(c) The reply to the first part is in the negative. As to the second part, I would point out that posts of this nature must be filled on the basis of merit and suitability, not on provincial considerations.

*Statement showing the number of Provincial Civil Service officers recruited during the last ten years to the posts of Assistant Secretary, Under Secretary, Deputy Secretary, Joint Secretary and Secretary in the Government of India offices.*

Department.	Assistant Secretary.	Under Secretary.	Deputy Secretary.	Joint Secretary.	Secretary.	Province and year.
Finance .. ..	..	1	..	..	..	Punjab, 1932-33.
Education, Health and Lands.	..	..	1	..	..	Punjab, 1931-32.
Legislative .. ..	..	..	1	..	..	Madras, 1925-26.
	..	..	1	..	..	Bombay, 1928.
	..	..	1	..	..	Madras, 1934.
Imperial Council of Agricultural Research.	..	..	..	..	1 (Chairman).	Madras, 1929.
Home (Dy. D. P. I.) ..	Deputy Director of Public Information.					U. P., 1932.
Foreign and Political ..	None.					
Commerce .. ..	Do.					
Railway .. ..	Do.					
Industries and Labour ..	Do.					
Legislative Assembly ..	Do.					
Army .. ..	Do.					
Financial Adviser, Military Finance.	Do.					
Reforms .. ..	Do.					

**ALLEGED COERCION IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

**436. \*Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that coercion is the order of the day in the Moradabad Division, East Indian Railway ?

**Mr. P. R. Rau :** So far as Government are aware, the answer is in the negative.

**STAFF FORCED TO ACCEPT POSTS ON LESS EMOLUMENTS IN THE TICKET CHECKING BRANCH, MORADABAD DIVISION.**

**437. \*Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that the staff are forced to accept posts carrying less emoluments than they are drawing in the Ticket Checking Branch of the East Indian Railway, Moradabad Division ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 437, 438 and 440 to 447 together.

I have called for certain information and will furnish replies in due course.

**WITHDRAWAL OF MILEAGE ALLOWANCE FROM CERTAIN TRAVELLING TICKET INSPECTORS POSTED AS TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.**

**†438. \*Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that the staff are told that the *ex-gratia* Consolidated Allowance sanctioned by His Excellency the Viceroy to compensate the loss by the withdrawal of Mileage Allowance from the old Travelling Ticket Inspectors will not be paid to them, if and when, they are posted to stations as Ticket Collectors on the East Indian Railway, Moradabad Division ?

**MILEAGE ALLOWANCE OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.**

**439. \*Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that the question of mileage allowance of the Travelling Ticket Inspectors, East Indian Railway, is under disposal ?

**Mr. P. R. Rau :** Certain memorials, from the Travelling Ticket Examiners of the East Indian Railway, are at present under consideration.

**POST OF ASSISTANT HEAD TICKET COLLECTOR, MORADABAD DIVISION, EAST INDIAN RAILWAY.**

**†440 \*Maulvi Sayyid Murtuza Saheb Bahadur :** Is it a fact that the post of Assistant Head Ticket Collector, Moradabad Division, East Indian Railway, is scaled Rs. 120—10—140 ?

(b) Is it a fact that to the post of Assistant Head Ticket Collector, Moradabad (Rs. 120—10—140) Travelling Ticket Examiners on Rs. 160 plus Rs. 50 Consolidated Allowance are posted ? If so, will Government state where the economy lies and whether avenge is not taken ?

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†For answer to this question, see answer to question No. 437.

(c) Will Government please state whether Travelling Ticket Examiners of the Accounts Departments will get the same emoluments under Operating Department, if and when, posted as Assistant Head Ticket Collectors ? If not, why not ?

#### CADRE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†441. \*Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the cadre of Travelling Ticket Examiners, Grades I and II, on the East Indian Railway is one independent unit under class " Ticket Checking of Commercial Group " as provided in the rules for the recruitment and training of subordinate staff ?

#### TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

†442. \*Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the cadre of Ticket Collectors, Grades I, II and III, Assistant Head Ticket Collectors and Head Ticket Collectors, Grades I and II, is as a whole one unit on the East Indian Railway under class " Ticket Checking of Commercial Group " as provided in the rules for the recruitment and training of subordinate staff ?

#### TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS DEPARTMENT ON THE EAST INDIAN RAILWAY.

†443. \*Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that the cadre of the Travelling Ticket Inspectors of the Accounts Department (now under Operating Department) is one independent unit on the East Indian Railway ?

#### ALLEGED HARASSMENT OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†444. \*Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that under the Operating Department the Travelling Ticket Examiners on the East Indian Railway in general and Moradabad Division in particular work under threat and harassment by the Transportation (Traffic) Supervising Staff ?

#### WORK OF THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

†445. \*Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that under the Operating Department the work of the Travelling Ticket Examiners on the East Indian Railway is not independent ?

#### CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.

†446. \*Maulvi Sayyid Murtuza Saheb Bahadur : Is it a fact that sometime in April, May or June, 1934, an independent check of the trains was conducted by the Inspectors of the Accounts Department, East Indian Railway at Arrah, Dinapore and Gaya ? If so, will Government please lay on the table their report and the remarks of the Operating Department thereon ? If not, why not ?

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†For answer to this question, see answer to question No. 437.

**CHECK OF THE TRAINS AT CERTAIN PLACES ON THE EAST INDIAN RAILWAY.**

†447. \*Maulvi Sayyid Murtuza Saheb Bahadur : (a) Will Government please state the result of the independent check of trains conducted some time in April, May or June, 1934, by the Inspectors of the Accounts Department, East Indian Railway at Arrah, Dinapore and Gaya respectively ?

(b) Are Government satisfied with the independent check of trains other than the Operating Department ? If not, why not ?

**CHECK OF TRAINS CONDUCTED BY THE WATCH AND WARD AND THE ACCOUNTS DEPARTMENTS ON THE EAST INDIAN RAILWAY.**

448. \*Maulvi Sayyid Murtuza Saheb Bahadur : Will Government please state the reason why the Operating Department, East Indian Railway, failed to achieve the requisite result which has hitherto been achieved by the independent checks conducted by the Watch and Ward and the Accounts Departments as reported by the Agent ? If not, why not ?

Mr. P. R. Rau : I regret I have been unable to understand clearly what my Honourable friend is referring to. If he refers to the additional temporary checks imposed on the East Indian Railway last year, the reason was explained by me in my reply to question No. 189, asked by Khan Bahadur Haji Wajihuddin, on the 23rd July, 1934.

**SEPARATION OF THE TRAVELLING TICKET EXAMINERS, EAST INDIAN RAILWAY, FROM THE OPERATING DEPARTMENT.**

449. \*Maulvi Sayyid Murtuza Saheb Bahadur : Do Government realise the necessity of separating the Travelling Ticket Examiners, East Indian Railway, from the Operating Department and placing them under an independent Audit Department ? If not, why not ?

Mr. P. R. Rau : Government do not consider it necessary to transfer the Travelling Ticket Examiners from the Operating to the Audit Department.

Maulvi Sayyid Murtuza Saheb Bahadur : Will the Honourable Member be pleased to ascertain the reasons for this ?

Mr. P. R. Rau : I think the onus of proving that a change is necessary rests on my Honourable friend who proposes it.

**ALLEGATIONS AGAINST THE TRANSPORTATION (TRAFFIC) INSPECTOR OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

450. \*Maulvi Sayyid Murtuza Saheb Bahadur : (a) Is it a fact that the zealous and honest Travelling Ticket Examiners working conscientiously are avenged on by the Transportation (Traffic) Inspectors when placed in power or authority ?

(b) If the reply to part (a) be in the negative, will Government please state whether it is a fact that the Transportation (Traffic) Inspector of Moradabad Division, East Indian Railway, on 21st April, 1934,

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†For answer to this question, see answer to question No. 437.

accompanied by hill girls (without tickets) travelled in Second Class from Moradabad to Delhi by 3 MD Train ?

(c) If the reply to part (b) be in the negative, (i) what were the movements of this Inspector on 21st April, 1934, (ii) what business had he on that date at Delhi ; (iii) what were the ticket numbers of second class tickets held by these girls *ex*-Moradabad to Delhi or *ex*-Kashipur, Ramnagar or Haldwani to Delhi ; (iv) what was the report of his enquiry or inspection held at Delhi on that date submitted by him ; and (v) who were these girls, relatives or friends, who travelled with him on his duty pass ?

(d) Was the said Inspector placed to officiate as Assistant Superintendent Transportation (Commercial), Moradabad Division, during June, 1934 ? If so, will Government please state : (i) the total number of punishments inflicted by him during his short period on the Ticket Checking staff, (ii) the nature of offence committed individually by and the punishment awarded to the Ticket Checking staff, (iii) the number of the Gazette notification under which he was vested with the powers of a gazetted officer to inflict fine on the staff ; and (iv) the persons amongst the Ticket Checking Staff to whom he sanctioned enhanced increments ?

(e) What were his movements during his short period of officiating as a gazetted officer ?

(f) What was his movement on 1st July, 1934 ?

(g) Do Government propose to make an independent inquiry into the conduct of the said Inspector ? If not, why not ?

**Mr. P. R. Rau :** (a) Government have no reason to believe that such is the case.

(b) to (g). Information is being obtained and will be laid on the table in due course.

#### MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE EAST INDIAN RAILWAY AT CALCUTTA.

451. \*Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the East Indian Railway located at Calcutta ? How many of them are Bengal Muslims and how many belong to other provinces ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply questions Nos. 451 to 456 and 482 together. Government regret they are unable to supplement, with further detailed figures, the information in regard to communal representation in Railway services which is contained in the Annual Administration Reports of Indian Railways, copies of which are in the Library of the House.

#### MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE BENGAL NAGPUR RAILWAY AT CALCUTTA.

†452. \*Haji Chaudhury Muhammad Ismail Khan : Will Government be pleased to state the number of Muslims employed in the Head Offices of the Bengal Nagpur Railway located in Calcutta ? How many of them are Bengal Muslims and how many belong to other provinces ?

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†For answer to this question, see answer to question No. 451.

**MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE EASTERN BENGAL RAILWAY AT CALCUTTA.**

†453. \***Haji Chaudhury Muhammad Ismail Khan** : Will Government be pleased to state the number of Muslims employed in the Head Offices of the Eastern Bengal Railway located in Calcutta ? How many of them are Bengal Muslims and how many are Muslims from other provinces ?

**NON-BENGALI MUSLIMS EMPLOYED IN THE HEAD OFFICES OF THE THREE RAILWAYS LOCATED IN CALCUTTA.**

†454. \***Haji Chaudhury Muhammad Ismail Khan** : Is it a fact that in the Head Offices of the three important railways located in the capital of Bengal there are a large number of Muslims belonging to provinces other than Bengal, and are Government aware that there is acute unemployment amongst the educated Muslims of Bengal ?

**BENGALI MUSLIMS EMPLOYED IN THE OFFICES OF THE NORTH WESTERN RAILWAY AT LAHORE.**

†455. \***Haji Chaudhury Muhammad Ismail Khan** : Is it a fact that there are no Bengal Muslims employed in the offices of the North Western Railway located in Lahore ? If not, what is the total number of Muslim employees in those offices and how many of them are Bengal Muslims ?

**BENGALI MUSLIMS IN THE HEAD OFFICES OF THE BENGAL NAGPUR RAILWAY AND THE GREAT INDIAN PENINSULA RAILWAY AT BOMBAY.**

†456. \***Haji Chaudhury Muhammad Ismail Khan** : Is it a fact that there are no Bengal Muslims in the Head Offices of the Bengal Nagpur Railway and Great Indian Peninsula Railway located at Bombay ? If so, will they be pleased to state the number of Bombay Muslims employed in the Head Offices of the different railways located in the capital of Bengal ?

**APPOINTMENT OF BENGALI MUSLIMS IN THE COMMERCE DEPARTMENT.**

457. \***Haji Chaudhury Muhammad Ismail Khan** : Is it a fact that there are several first division and second division vacancies in the Department of Commerce of the Government of India, and that the Muslim organizations of the Punjab are trying to force Government to recruit only Punjab Muslims ? If so, do Government propose to recruit a number of Bengal Muslim graduates and M.As., now unemployed in Bengal, against such vacancies. If not, why not ?

**The Honourable Sir Joseph Bhore** : There are at present no vacancies in the First or Second Division in the Department of Commerce ; nor has any representation been received from any Muslim organisation in the Punjab urging the Department to recruit only Punjab Muslims. The latter part of the question does not, therefore, arise.

**SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO THE ARMY HEADQUARTERS STAFF.**

458. \***Mr. S. C. Mitra** : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, that have been allotted to the men belonging to the Army Headquarters and the rent realized from them during the year 1933 and the rent to be realized in 1934 upto the end of September ?

**The Honourable Sir Frank Noyce** : With your permission, Sir, I propose to reply to questions Nos. 458, 459 and 460 together.

The information is not readily available and Government do not propose to collect it as the result would not justify the labour involved.

**SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO MEN BELONGING TO OTHER OFFICES, EXCLUDING THE SECRETARIAT.**

†459. \***Mr. S. C. Mitra** : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, that have been allotted to men belonging to other offices, excluding the Secretariat, and the rent realized from them in 1933, and the rent expected to be realized in 1934 upto the end of September ?

**SUMMER HILL AND KAITHU QUARTERS IN SIMLA ALLOTTED TO THE GOVERNMENT OF INDIA SECRETARIAT STAFF.**

†460. \***Mr. S. C. Mitra** : Will Government be pleased to state the number of Summer Hill and Kaithu quarters, to be shown separately, allotted to Government of India Secretariat staff and the total amount realized from them in 1933 and 1934 as house-rent by the forfeiture of house-rent allowances, to which such men were entitled under the Simla Allowances Code, in April and May of those years ?

**PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.**

461. \***Mr. S. C. Mitra** : (a) Is it a fact that at the last Public Accounts Committee meeting Government raised the question of very meagre yield of revenue from the house-rent realized on the basis of ten per cent. of pay, both in Delhi and Simla ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reasons why men of the attached offices and the Army Headquarters are being allotted quarters in Simla on the basis of six months' rental from the middle of May to the middle of October in preference to the men of the Secretariat Departments, from whom they realize the whole of their house-rent allowance ranging from Rs. 225 to Rs. 550, which roughly works out to about 20 per cent. of their pay if calculated on the same basis of six months' rental from the middle of May to the middle of October when these men live in Simla ?

(c) Do Government propose to amend the rules of allotment of clerks' quarters in such a way that Secretariat staff would get the first preference in the case of all Government quarters in Simla ? If not, what is the justification for Government losing revenue ?

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†For answer to this question, see answer to question No. 458.

**The Honourable Sir Frank Noyce :** (a) I do not think that it is correct to say that Government raised the question of the inadequate realizations of rent in Delhi and Simla. A statement of the position was given by the Accountant General, Central Revenues, in paragraphs 12-16 of his report on the Appropriation Accounts for 1932-33 under the heading : "Administration of Residential Buildings", and this statement was naturally discussed by the Public Accounts Committee.

(b) This part of the question does not strictly speaking arise, but I may explain that, under the rules, allotments in Simla are ordinarily made for the financial year and that this arrangement was favoured by the Imperial Secretariat Association. An exception is, however, allowed in favour of men who receive no House Rent Allowance, and desire that the allotment should be for the season of seven months, (1st April to 31st October), only. Men of the Attached Offices and Army Headquarters ordinarily receive no House Rent Allowance, and, are, therefore, entitled to ask for seasonal allotments. I do not follow my Honourable friend's suggestion that these rent-paying tenants should be placed at a disadvantage as against men who either pay their rent from an allowance drawn from Central Revenues or pay no rent at all. The House Rent Allowance is not intended to be a source of profit, and I cannot accept the view that men who are given free accommodation in lieu of the allowance are unfairly treated.

(c) No. The rules already give a slight advantage to men who are entitled to House Rent Allowance, and no further preference can be shown to them.

**Mr. S. C. Mitra :** Do Government realise their responsibility of getting as much rent as possible for these quarters and not losing money by building costly quarters for the Government of India officials ?

**The Honourable Sir Frank Noyce :** Yes.

**Mr. S. C. Mitra :** Then how will he justify his decision, in view of the answer just given, by letting these quarters to people who only contribute less amount of the rent according to ten per cent. of their salary ?

**The Honourable Sir Frank Noyce :** I think that that question arises more naturally in connection with the reply I shall give in due course to the Honourable Member's question No. 463.

#### PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

462. **\*Mr. S. C. Mitra :** (a) Is it a fact that all the staff of the Army Headquarters living in Government quarters in Simla, who move down to Delhi, pay rent only for six months of their stay in Simla on the basis of 10 per cent. of their pay ? If so, will Government be pleased to state the reasons why such persons are allowed to retain their lien on their quarters in Simla when they do not pay rent for such quarters during the period when they are away in Delhi ?

(b) Is it a fact that the men belonging to the Secretariat Departments living in Government quarters in Simla are allotted quarters for the whole of the financial year in lieu of the annual house-rent allowances to which they are entitled ?



(c) Do Government propose to amend the Simla allotment rules in such a way that at the next allotment all quarters from which Government realize only six months' rent at 10 per cent. basis from the men belonging to offices other than the Secretariat, should be allotted to the Secretariat staff first? If not, why not?

**The Honourable Sir Frank Noyce :** (a) The reply to the first part is in the affirmative, but the summer season is the period from 1st April to 31st October, and not a period of six months as stated by the Honourable Member. In dealing with question No. 461, I have explained that the men concerned are rent-paying tenants and Government see no reason why they should not retain their liens from year to year.

(b) Quarters are allotted for the financial year. Men entitled to House Rent Allowance at the old rates draw the allowance in cash, and pay rent in the ordinary way. Men entitled to House Rent Allowance at the new rates occupy their quarters rent free, and do not draw the allowance.

(c) No. I may remind the Honourable Member that the object of providing Government servants with residential accommodation is administrative rather than commercial.

**Mr. S. C. Mitra :** Do Government take into consideration the commercial side of this question? Are they guided by merely administrative reasons as regards realisation of rent? Do they not care in the least whether there is loss of money or not?

**The Honourable Sir Frank Noyce :** I venture to think that that question, if I may say so with all respect, comes rather curiously from a Member of this Assembly who gets his own accommodation at what is very far from being a commercial rate.

**Mr. S. C. Mitra :** And the Executive Councillors get it free almost. They pay only Rs. 5, for their tennis grounds. The Honourable Member knows it and his Department is in charge of these things.

**The Honourable Sir Frank Noyce :** The Honourable Member is under a misapprehension.

**Mr. S. C. Mitra :** He is not.

**The Honourable Sir Frank Noyce :** If he is willing to go into this question with me, I think he will find that there is no question of getting more rent for these quarters. As far as I can understand him, he seems for some reason or other to think that members of the staff belonging to Attached Offices are favourably treated. That is not the case. They are the only class who pay rent from their own pockets.

**Mr. S. C. Mitra :** Is it not a fact that in assessing rent for the Government quarters of Executive Council Members, no rent is charged for the ground, and the Honourable Members' bungalows are provided with large compounds which are not taken into account in assessing rent, and is it not a fact that the Honourable Members only pay Rs. 5 for their tennis grounds?

**The Honourable Sir Frank Noyce :** Whether rent is charged for the compounds attached to Honourable Members' houses or not, I can assure the Honourable Member that, in my opinion and that of my Honourable colleagues, we pay an enormous rent for the accommodation we get.

PREFERENCE TO SECRETARIAT STAFF IN THE ALLOTMENT OF QUARTERS IN SIMLA.

463. \***Mr. S. C. Mitra** : Are Government aware that by allowing the men of other offices than the Secretariat to retain their quarters, Government lose heavily by way of house-rent, which was complained of by the Auditor General at the last meeting of the Public Accounts Committee ? If so, do Government propose to remedy these defects immediately ? If not, why not ?

**The Honourable Sir Frank Noyce** : No. The men, against whom the Honourable Member proposes to discriminate, pay rent from their own pockets, while the members of the Secretariat staff receive an allowance from Central Revenues to enable them to pay their rent. I have already explained that residential accommodation is provided for administrative rather than commercial reasons, and that Government could in no circumstances agree to exclude a large class of its employees from the benefits of the housing rules. I must add that I am not aware that any complaint was made by the Auditor General at the last meeting of the Public Accounts Committee.

**Mr. S. C. Mitra** : Does the Honourable Member in deciding administrative questions not take into consideration the commercial aspect at all ?

**The Honourable Sir Frank Noyce** : Yes, Sir. Obviously the commercial aspect is taken into consideration, but there are certain circumstances in which the administrative aspect is much more important than the commercial. If the Honourable Member can establish to my satisfaction that the Government will obtain an increased revenue by the course which he proposes that Government should adopt, I shall be happy to consider his proposal. I have gone very carefully into this question, and I can assure him that there is no question of financial advantage involved.

ALLOTMENT OF QUARTERS IN SIMLA.

464. \***Mr. S. C. Mitra** : Is it a fact that the allotment of quarters rules have been framed in such a way that they may help the Anglo-Indian staff of the offices other than the Secretariat to retain the Government quarters in preference to the men of the Secretariat ? If not, do Government propose to take steps to increase the Government revenue by allotting all quarters on a 12 months' basis so that those who will move down to Delhi would be compelled to pay for the whole of the 12 months on a 10 per cent. pay basis ? If not, why should the Secretariat staff be made to forego the whole year's house-rent allowance in lieu of Government quarters ?

**The Honourable Sir Frank Noyce** : The reply to the first and second parts of the question is in the negative. As regards the third part of the question, I understand that the Honourable Member refers to Government servants of the Secretariat staff who are entitled to the Simla House Rent Allowance at the new rates and are allotted Government accommodation rent free instead of drawing the allowance in cash. I would point out that the allowance can, in no circumstances, exceed the amount of rent actually paid, and that so far as Government servants in this class are concerned, the period of allotment is immaterial.

**Mr. Vidya Sagar Pandya :** May I put a question ? How does this basis of ten per cent. on the salary work out at the rate of six per cent. return on the outlay on these buildings ?

**The Honourable Sir Frank Noyce :** I must ask for notice of that question.

#### CREATION OF THE INDIAN ARMY CORPS OF CLERKS.

465. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the reasons which have now led them to create the Indian Army Corps of Clerks in the Army and Royal Air Force Headquarters for all the new entrants ?

(b) Why was the necessity of such a kind of enlistment of the Indian establishment under the India Army Act never felt during the Great War period and before that ?

(c) Is it a fact that Indian Army Corps of Clerks was formed in 1923 or so ? If so, how is it that the Army Headquarters have after a lapse of twelve years, realised the necessity of introducing the Indian Army Corps of Clerks in the Army and Royal Air Force Headquarters ?

**Lieut.-Colonel A. F. R. Lumby :** (a) The reason, which led Government to form a section of the Indian Army Corps of Clerks for new British and Indian entrants to the ministerial establishment at Army and Royal Air Force Headquarters, was that the previous constitution of that establishment had failed to meet military requirements in the matter of general efficiency.

(b) Before and during the Great War military clerks predominated in Army Headquarters. At that time the number of Indian clerks in these offices was very much less than it is now. More recently an experiment was made at civilianizing the military portion of the establishment. This has not proved successful, and it has now been decided to revert to a military organisation.

(c) The reply to the first portion of this question is in the affirmative ; as regards the second portion the experience of the last ten years has led to the view that the introduction of a military organisation into what are after all military offices would make for efficiency.

**Mr. Gaya Prasad Singh :** Is it a fact that those who get themselves enrolled in the Indian Army Corps of Clerks will have to execute a bond for service for a stipulated period—say ten years ?

**Lieut.-Colonel A. F. R. Lumby :** That is the case. The terms of the bond go to show that, if their services are satisfactory, there is no reason why they should not be allowed to serve up to the age of fifty-five.

**Mr. Gaya Prasad Singh :** Is it also a fact that such enrolment imposes upon the clerks the liability to proceed on service outside India, but that there is no such liability for those who serve on the civil side of the staff ?

**Lieut.-Colonel A. F. R. Lumby :** There is no such liability on clerks in Civil Departments, but the terms of service of the Indian Army Corps of Clerks do include a liability to serve anywhere on active service.

**Mr. Gaya Prasad Singh :** Is it also a fact that, after the stipulated period of ten years, they are liable to be discharged ?

**Lieut.-Colonel A. F. R. Lumby :** They are liable to be discharged if their services are unsatisfactory ; but I think it is made quite clear in the bond that they have to sign that, if their services are satisfactory, they will be allowed to serve on, as I say, until the age of fifty-five.

**Mr. Gaya Prasad Singh :** Is it also a fact that enrolment in this Indian Army Corps of Clerks confers none of the privileges attaching to a military status, such as free quarters and other allowances ?

**Lieut.-Colonel A. F. R. Lumby :** No. The basic pay and the twenty per cent. extra over the ordinary rates of pay laid down cover all the privileges that they get.

**Mr. Gaya Prasad Singh :** On the civil side—I am asking for information—(Laughter)—there is no point in trying to raise a cheer at my expense—(Laughter)—is it a fact that those who enrol themselves on the military side as Indian Army Corps of Clerks are put at a disadvantage in the matter of free quarters and house allowances, or not, as compared to the civil side ?

**Lieut.-Colonel A. F. R. Lumby :** If the Honourable Member is referring to clerks in Civil Departments, I do not think there is any disadvantage. If he is referring to clerks of the Indian Corps of Clerks in other stations, the clerks at Army Headquarters do not get these other concessions, but they do receive a twenty per cent. addition to their pay.

**Mr. Gaya Prasad Singh :** Twenty per cent. in addition to the pay which the clerks on the Civil side get ?

**Lieut.-Colonel A. F. R. Lumby :** A twenty per cent. addition to the pay laid down in Army Regulations for clerks in the various grades of the Indian Army Corps of Clerks, that is, 20 per cent. more than clerks serving, say, at Ambala or Rawalpindi.

**Mr. Gaya Prasad Singh :** Is it not a fact that they are put at some disadvantage as compared with the clerks who are serving on the Civil side, even with this additional pay ?

**Lieut.-Colonel A. F. R. Lumby :** I do not think that there is any greater disadvantage than there was as compared with the rates of pay both categories drew before.

**Mr. T. N. Ramakrishna Reddi :** Do people discharged after ten years get their proportionate pension or Provident Fund ?

**Lieut.-Colonel A. F. R. Lumby :** I think I am right in saying that, if they are discharged after only ten years' service, they are not entitled to pensions.

**Mr. Gaya Prasad Singh :** Is it not also a fact that those employed in the Civil Secretariat and Attached Offices are given higher scales of pay and allowances than those employed in the Army and Royal Air Force Headquarters ?

**Lieut.-Colonel A. F. R. Lumby :** Yes, they always have been.

**Diwan Bahadur A. Ramaswami Mudaliar :** I understood from the Honourable the Army Secretary's answer that the experiment of civilianizing this staff has proved a failure and that the Government have reverted to the "military clerk" system. May I know in what respect this experiment proved a failure ?

**Lieut.-Colonel A. F. R. Lumby :** The experiment of civilianization only affected the British portion of the staff, because previously that was its only military portion. We found we did not get the best men from regiments because at Army Headquarters they had not such satisfactory prospects as in their own regiments.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is it a fact that the Army Retrenchment Committee proposed, and with the concurrence of the military authorities, that civilianization should go on with reference this Corps ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I cannot give an answer off-hand.

#### NEW CONDITIONS OF SERVICE AND NEW SCALES OF PAY IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

466. **\*Mr. S. C. Mitra :** (a) Is it a fact that the new conditions of service together with the new scales of pay have been sanctioned, with effect from January, 1934, for the new entrants in the Army and Royal Air Force Headquarters ?

(b) Will Government please state if the Public Service Commission, while notifying their decision to hold the examination for recruitment to ministerial establishment of the Government of India Secretariat and Army Headquarters in 1932 and 1933, ever mentioned in any of their notifications that those candidates who would be employed in the Army Headquarters, will be required to enrol themselves under the Indian Army Act ?

(c) If the reply to part (b) above be in the negative, how do Government now justify their action in asking the candidates employed on the result of the above mentioned competitive examinations, to enrol themselves ? Is it a fact that due to their enrolment, they would be placed in a much inferior and disadvantageous position than their contemporaries on the civil side ?

**Lieut.-Colonel A. F. R. Lumby :** (a) Yes.

(b) No, Sir.

(c) As regards the first portion of the question, the attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Saheb Bahadur's starred question No. 304. Government do not admit that the statement contained in the second portion of this question is correct.

#### APPOINTMENTS IN THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.

467. **\*Mr. S. C. Mitra :** (a) Are Government aware that the men, who have been appointed in the Army and the Royal Air Force Headquarters, as a result of the examinations held by the Public Service Commission in 1932 and 1933 and who were never given any warning at the time of examinations, are now being forced to enrol themselves ?

(b) Is it a fact that all the men, who have been appointed as a result of the abovementioned examinations, have strongly represented against their enrolment under the new conditions which have recently been attached to the Army and the Royal Air Force Headquarters ministerial establishment ?

(c) Are Government aware that there is a general resentment among the new entrants to such an extent that a few clerks in the Royal Air

Force Headquarters, who were asked to enrol themselves, have since then resigned and gone away ?

(d) In view of the facts mentioned in the preceding parts, do Government now propose to enrol those men only who will be taken as a result of the examinations for which the Public Service Commission will announce the new conditions of service in the Army and the Royal Air Force Headquarters, and to exempt the men, who have been employed as a result of the examinations held in 1932 and 1933, from enrolment under the Indian Army Act ? If not, why not ?

**Lieut.-Colonel A. F. R. Lumby :** (a) to (d). Government have received representations from the clerks of the category mentioned in part (a) of the question and these are now receiving considerations.

#### SCALES OF PAY FOR NEW ENTRANTS ENROLLED UNDER THE INDIAN ARMY ACT.

468. **\*Mr. S. C. Mitra :** (a) Will Government please state the scales of pay which will be given to the new entrants enrolled under the Indian Army Act ?

(b) Will Government also state the scale of pay they propose to give to those entrants who might be exempted from enrolment ? Will it be the scale that has been given to new entrants in the Civil Secretariat and its attached offices, together with house rent and compensatory allowances ? If not, why not ?

(c) Have Government any proposal to further reduce the rates of pay that will be given to the entrants who will be enrolled in the Indian Army Corps of Clerks ? If so, what are those rates ?

**Lieut.-Colonel A. F. R. Lumby :** (a) The attention of the Honourable Member is drawn to the reply given to part (c) of his starred question No. 56 in the Legislative Assembly on the 30th January, 1934.

(b) I am afraid I cannot answer a hypothetical question of this kind.

(c) These rates of pay will be subject to any general revision that may be decided on for the pay of personnel paid from the Defence Services estimates.

#### COMPENSATORY ALLOWANCE AND HOUSE RENT FOR NEW ENTRANTS IN THE ARMY HEADQUARTERS.

469. **\*Mr. S. C. Mitra :** Are Government aware that the new entrants in the Civil Secretariat and Attached Offices, whose pay has been revised, are given compensatory allowance and house rent, and that no such allowances have been sanctioned for the new entrants in the Army and the Royal Air Force Headquarters ? If so, why have Government kept the Army Headquarters establishment on a different footing even on the introduction of the new scales of pay ? Is it a fact that the scales of pay in the Secretariat and its Attached Offices have become uniform altogether ?

**Lieut.-Colonel A. F. R. Lumby :** Government are naturally aware of the terms of service of all establishments under their control. The reason for the differentiation referred to by the Honourable Member is the dissimilarity in the conditions of service and nature of work of the two categories. The reply to the last portion of the question is in the affirmative.

**OPTION GIVEN TO NEW ENTRANTS IN THE ARMY AND ROYAL AIR FORCE  
HEADQUARTERS TO ENROL THEMSELVES OR NOT.**

470. \***Mr. S. C. Mitra** : Is it a fact that Government have given the new entrants in the Army and Royal Air Force Headquarters the option to enrol themselves or not ? Will there be any difference between the rates of pay of both the categories ?

**Lieut.-Colonel A. F. R. Lumby** : The reply to the first part of the question is in the negative. The rest of the question does not arise.

**SELECTION OF A MAN FOR APPOINTMENT TO THE POST OF W. I. X. ON THE NORTH  
WESTERN RAILWAY.**

471. \***Bhai Parma Nand** : (a) Is it a fact that a letter (No. 925 E.1111, dated the 27th May, 1933) was issued from the Divisional Superintendent's Office, Delhi, for the selection of a man for appointment to the post of W. I. X. in the grade of 150—10—190 ?

(b) Is it a fact that the posts of Divisional Inspector, Assistant Inspector, and Sub-Inspector, Watch and Ward, were abolished and a post of W. I. X. newly created ?

(c) Is it a fact that no mention about the selection for the post of the Head Watchman was made in the letter quoted in part (a) ?

(d) Is it a fact that the post of Head Watchman was not newly created but is the same as it was prior to retrenchment ?

(e) Is it a fact that Altaf Hussain, Abdul Gani and Chandi were selected as Head Watchmen under cover of the same selection held for the post of W. I. X. in the grade of 150—10—190 ?

(f) Is it a fact that abovementioned demotees were junior to demotees Pirthi Singh, Ganga Parshad and Alamgir Khan according to entries on the waiting list at the time of selection ?

(g) Is it a fact that the recommendations of the Court of Enquiry, *vide* North Western Railway Gazette Extraordinary, dated the 20th June, 1932, appointed by the Government of India, *vide* North Western Railway Gazette Extraordinary of February 1933, were ignored and the senior men mentioned in part (f) were not selected ?

(h) Is it a fact that Government had assured the demotees to re-instate them in the order of seniority, *vide* paragraph No. 9 of the North Western Railway Extraordinary Gazette, dated June 20, 1932 ?

(i) Is it a fact that the staff employed as Head Watchmen on the Karachi Division was given preference over the confirmed hands of Delhi Division ?

(j) Will the Honourable Member in charge of the Railway Department explain why this was done ?

(k) Will the Honourable Member also explain why the seniority basis was not kept in view while re-instating the Head Watchmen, as was done in all the other categories on the North Western Railway as directed by the Government of India ?

**Mr. P. R. Rau** : I have called for the information required and will place a reply on the table in due course.

**Mr. Lalchand Navalrai :** No. 472. Was this in abeyance ?

**The Honourable Sir James Grigg :** The next one or two I have not yet answered.

**STOPPAGE OF ISSUING NEW COINS TO THE PUBLIC BY THE BOMBAY CURRENCY OFFICE.**

**472. \*Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) whether it is a fact that the Bombay Currency Office, has stopped issuing new coins and particularly new copper coins to the public ;
- (b) if so, the date from which the issue of new coins has been stopped and the reasons therefor ;
- (c) whether there have been complaints from the members of the public that the coins issued by the Currency Office, Bombay being over-used, great difficulty is met by them in exchanging the same ;
- (d) if the reply to part (c) above be in the affirmative, the reasons why such over-used coins are not sent to the Mint as uncurrent coins ?

**The Honourable Sir James Grigg :** (a) No. New coin is issued when old coin is not available.

(b) Does not arise.

(c) One such complaint was recently received but was found to be groundless.

(d) The issue of a larger amount of new coin would of course involve increased expenditure, and in view of the answer to (c) there appears to be no sufficient reason for altering the existing procedure.

**Mr. Lalchand Navalrai :** Why is it that new coins are not issued ?

**The Honourable Sir James Grigg :** Because they are not needed and because it would be much more expensive to hand them out. (Laughter.)

**REMITTANCES OF OLD COPPER COINS FROM THE TREASURY OFFICE TO THE BOMBAY CURRENCY OFFICE.**

**473. \*Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) the total amount of remittances of old copper coins from the Treasury Offices to the Bombay Currency Office since January, 1934 ;
- (b) whether the coins thus remitted by the Treasury Offices were surplus or whether new coins were issued in exchange thereof ;
- (c) whether such remittances during this period were abnormal for this season ; if not, the special reasons for such remittances ;
- (d) the total expenditure on the remittances to such of the Treasury Offices from which the old coins were received and to which new coins were sent in exchange ;



(e) whether the expenditure on such remittances could have been avoided by issuing new copper coins to the public from the Bombay Currency Office ;

(f) if the reply to part (e) be in the affirmative, whether they propose to issue orders to avoid such expenditure ?

**The Honourable Sir James Grigg :** I would invite the attention of the Honourable Member to the reply given to Mr. S. G. Jog's question No. 304, which is recorded in the Proceedings of the 30th of July, 1934.

#### NEW COPPER COINS MADE DARK.

**474. \*Mr. Lalchand Navalrai :** Will Government be pleased to state whether any new copper coins were purposely made dark by some process to avoid the circulation of new coins to the public ? If so, what was the extra expenditure incurred on this account, and the total number of new copper coins made dark by this process ?

**The Honourable Sir James Grigg :** I would invite the Honourable Member's attention to the reply given to Mr. S. G. Jog's question No. 304, which is recorded in the Proceedings of the 30th of July, 1934. The total value of the coin which was subjected to this mechanical process is Rs. 6,100.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member if it is a fact that the coins are being made dark by some process to avoid circulation ?

**The Honourable Sir James Grigg :** No, Sir. As I said, as an experimental measure, certain very small numbers of coins were made dark by a mechanical process. That experiment is being discontinued, and the Honourable Member can draw what conclusion he can from the fact that it is being discontinued.

**Mr. Lalchand Navalrai :** What was the object of doing that—to make them dark ?

**The Honourable Sir James Grigg :** Because I understand that the demand for new coins is a demand which grows by what it feeds on. The experiment is being discontinued, and I think we will not repeat it.

**Mr. Lalchand Navalrai :** Was it not deceitful ? (Laughter.)

**The Honourable Sir James Grigg :** That is an expression of opinion.

**Dr. Ziauddin Ahmad :** Is it not a very salutary example in which attempts are made to show new things as old while people always generally try to make old things appear new ?

**The Honourable Sir James Grigg :** I merely think it was an attempt to carry out the Scriptural injunction not to mix up old and new wine. (Laughter.)

#### NON-ISSUE BY THE BOMBAY CURRENCY OFFICE OF COPPER COINS WORTH LESS THAN RUPEES FIFTY.

**†475. \*Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether the copper coins worth less than Rs. 50 are not issued to the public from the Currency Office, Bombay ?

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†For answer to this question, see answer to question No. 392.

(b) Is the practice in other currency offices in India the same as the one in Bombay? If not, what is the practice in other currency offices?

(c) What are the special reasons for adopting a special practice in Bombay?

**EXCHANGE OF SMALL COINS BY THE BOMBAY CURRENCY OFFICE.**

†476. \*Mr. Lalchand Navalrai: Will Government be pleased to state:

- (a) whether the Currency Office, Bombay, accepts for exchange from the public, small coins worth less than Rs. 100;
- (b) whether on account of this rule the members of the public have to pay commission to the Marwaris for exchanging small coins for less than Rs. 100;
- (c) the authority for fixing this minimum of Rs. 100;
- (d) the practice obtaining in other currency offices in this respect;
- (e) whether it would not be possible in the interest of the public to change the practice prevalent in Bombay in favour of accepting small coins of any amount?

**REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RULES REGARDING PAYMENT OF THE VALUE OF THE LOST CURRENCY NOTES.**

477. \*Mr. Muhammad Muazzam Sahib Bahadur: (a) Has the Expert Committee appointed to examine the question of the rules regarding payment of the value of the lost currency notes referred to in the Honourable the Finance Member's speech on the 31st August, 1933, submitted its report? If so, when?

(b) Have Government taken any action on the recommendations of the Expert Committee? If so, to what extent? Will Government be pleased to place the report and other connected papers on the table?

(c) Do Government propose to publish the recommendations of the Committee for public criticism before taking final action?

(d) Will Government be pleased to state whether they are prepared to look into hard cases that had occurred in the past and in particular the case of the Bank of Hindustan, Limited, Madras, and others out of which arose the discussion in the course of which the Honourable the Finance Member made the speech referred to in part (a) above?

(e) Has the Expert Committee recommended any substantial reduction in the cost to the public of remitting money through:

(i) Post Office—

(1) Money Orders, and

(2) Insured letter post,

(ii) Supply Bills,

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†For answer to this question, see answer to question No. 392.

(iii) Currency Telegraphic transfer, and

(iv) The Imperial Bank of India ?

What progress has been made in carrying out the Committee's recommendations in each case ?

(f) Are Government aware that Insurance Companies are in a position to protect parties against losses of currency notes sent through insured post at rates which are substantially the same as the cheapest rates of the Imperial Bank of India ? If so, are they prepared to consider the grant of cheaper remittance facilities to the public ?

**The Honourable Sir James Grigg :** With your permission, Sir, I shall answer questions Nos. 477 and 478 together. The Expert Committee which was appointed to examine the Currency Notes (Refund) Rules submitted their report on the 11th of May, 1934. Their recommendations have been under the consideration of the Government of India, and I hope that it will be possible very shortly to publish the report and to make an announcement on the subject.

Government have no information regarding the rates offered by insurance companies for protection against the loss of currency notes.

**Mr. T. N. Ramakrishna Reddi :** Is the report of the Committee unanimous ?

**The Honourable Sir James Grigg :** I am not sure whether the Honourable Member on the Honourable Member's left did not make a certain reservation. Anyhow, the report will be published as soon as it is possible to do so.

**Mr. Vidya Sagar Pandya :** Government issued a communiqué, dated the 6th June, 1934, evidently based on the report of the Expert Committee, and, again on the 11th July, 1934, the same has been cancelled. I should like to know what is the object of that ?

**The Honourable Sir James Grigg :** In order that the recommendations of the Committee may be dealt with as a whole.

**Mr. Vidya Sagar Pandya :** Are they going to take up the matter soon or will it be taken up only after the formation of the Reserve Bank and when the Bank begins to function ?

**The Honourable Sir James Grigg :** I am sorry I did not hear the Honourable Member.

**Mr. Vidya Sagar Pandya :** Is it the object of the Government to issue these final rules after the Reserve Bank has been constituted and after consultation with the Bank, or before that ?

**The Honourable Sir James Grigg :** I should like to have notice of that question. But speaking off-hand, and I can confirm it if a question is put down, I think it is not proposed to wait until the constitution of the Reserve Bank. As I said, we shall publish the report very shortly and also make an announcement on the subject.

**Mr. Vidya Sagar Pandya :** Is it possible for the Honourable Member to say with reference to question No. 478 whether the pledge given by the previous Finance Member will be honoured ?

**The Honourable Sir James Grigg :** Surely, Sir, I am not expected to go beyond what I have already said at this moment, namely, that we will publish the report very shortly and also make an announcement on the subject. I hope the Honourable Member would not insist on our making a piecemeal announcement on this subject as he has already called attention to the fact that we started off by making a piecemeal announcement and then had to withdraw it.

**Mr. Vidya Sagar Pandya :** What I wish to know is whether the hard cases which have occurred in the past are likely to be considered ? That is the main question.

**The Honourable Sir James Grigg :** I am sorry I could not hear the Honourable Member.

**Mr. Vidya Sagar Pandya :** I wish to know whether the hard cases that have occurred in the past will be considered as promised by the Honourable Member's predecessor ?

**The Honourable Sir James Grigg :** Presumably they will be considered, but I cannot make any announcement on the subject.

**REPORT OF THE COMMITTEE APPOINTED TO EXAMINE THE RULES REGARDING PAYMENT OF THE VALUE OF THE LOST CURRENCY NOTES.**

†478. **\*Mr. Vidya Sagar Pandya :** In view of the statement made by the Honourable the Finance Member on the 31st August, 1933, " that if as a result of the work of the Expert Committee (regarding Currency Notes Refund) it was possible to devise clearer and more restricted rules which would regulate the position for the future then the Government might be willing to consider looking into hard cases that had occurred in the past ", are Government prepared to consider such hard cases (including that of the Bank of Hindustan, Limited, Madras) now that the said Committee has submitted its report ?

**TRAFFIC INSPECTORS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

479. **\*Bhai Parma Nand :** (a) Is it a fact that out of five Traffic Inspectors in the Moradabad Division, East Indian Railway only one was a Hindu ?

(b) Is it a fact that on account of the recent decision of Government the Divisional Superintendent, Moradabad, appointed a Muslim as Traffic Inspector ?

(c) Is it a fact that soon after, another post of Traffic Inspector was created and given to an Anglo-Indian, and that the claims of the Hindu candidates were ignored ?

(d) If the replies to parts (a) to (c) above be in the affirmative, will Government be pleased to state if this was in accordance with the intention of their decision ?

**Mr. P. R. Rau :** (a) to (d). Government have no information about the particular cases referred to by the Honourable Member, but have no reason to believe that their policy about recruitment to railway services

†For answer to this question, see answer to question No. 477.

is not followed by the East Indian Railway. As I have pointed out more than once in this House, it is impossible to give communal considerations any place either in promotions or in the staffing of individual offices.

#### DUTIES OF SUB-ASSISTANT SURGEONS IN THE CIVIL HOSPITAL, DELHI.

480. **Haji Chaudhury Muhammad Ismail Khan :** (a) Is it a fact that Sub-Assistant Surgeons in the Delhi Civil Hospital are deputed to attend to emergent cases in the nights ?

(b) Is it a fact that the Assistant Surgeon in that Hospital is in receipt of an allowance of Rs. 50 per mensem and has also been allotted a residential quarter in the Hospital compound with the sole object of being made responsible to attend to such cases ?

(c) If the reply to part (b) above be in the negative, will Government please explain what this allowance and the allotment of a residential house within the Hospital compound are intended for ?

(d) Is it a fact that Sub-Assistant Surgeons required to attend to emergent cases at night are made to work constantly for 28 hours ?

(e) Is it a fact that none of the Sub-Assistant Surgeons so deputed is residing within the Hospital compound ?

(f) Are Government aware of the inconvenience caused to these Sub-Assistant Surgeons in consequence of this unusually lengthy period of duty and the fact that their families have to live alone during this period ?

(g) Is it a fact that after completing the 28 hours' duty at nights, these Sub-Assistant Surgeons are required to do the normal outdoor duties ?

(h) Will Government please state if this prolonged duty is not in contravention of the ordinary rules intended for Government servants, so far as their hours of work are concerned ?

(i) What action do Government propose to take for the amelioration of the condition of the Sub-Assistant Surgeons concerned ?

(j) Do Government propose to consider, with a view to remove the grievances of the present staff, the question of the appointment of one more residential medical officer to attend to emergent calls at nights and to act as leave reserve when necessary ?

**Mr. G. S. Bajpai :** With your permission, Sir, I shall answer questions Nos. 480 and 481 together. The information has been called for, and replies will be furnished in due course.

#### MEDICAL DEPARTMENT OFFICERS EMPLOYED IN DELHI FOR THE MEDICAL INSPECTION OF SCHOOLS.

†481. **Haji Chaudhury Muhammad Ismail Khan :** (a) Is it a fact that some officers of the Medical Department are employed in Delhi (City) solely for the medical inspection of schools ?

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†For answer to this question, see answer to question No. 480.

(b) If the reply to the preceding part be in the affirmative, will Government please supply the following information in connection with those officers :

- (i) the number of part time officers so employed, or the number of those who are in receipt of an allowance for the work in addition to their pay ;
- (ii) the number of the whole time officers so employed, and the pay and allowances granted to them ; and
- (iii) the total expenditure incurred by the State ?

(c) Is it a fact that the schools in the rural areas in Delhi Province are medically inspected by the medical officers of the respective Ilāqas ? If so, will Government please state why a similar arrangement cannot be made in Delhi ?

(d) Is it a fact that no arrangement similar to that existing at present in Delhi is in operation in the Punjab ? If so, will Government please state why this arrangement is being continued in Delhi at an additional expense ?

(e) Will Government please state whether, with a view to curtailing the expenditure, they are prepared to consider the advisability of reducing the appointments of Medical Inspectors of Schools in Delhi ?

#### MUSLIMS, EUROPEANS, ETC., IN CERTAIN APPOINTMENTS ON THE NORTH WESTERN RAILWAY.

†482. \*Haji Chaudhury Muhammad Ismail Khan : (a) Will Government be pleased to state the number of Muslims, Europeans and other non-Muslims in the following appointments on the North-Western Railway :

- (i) Traffic Inspectors,
- (ii) Station Masters in Grades II, III, IV, V, VI and VII,
- (iii) Assistant Station Masters in Grades II, III, IV and V, and
- (iv) Assistant Controllers ?

(b) Will Government be pleased to state the number of vacancies that occurred in the appointments referred to in part (a) above during the years 1931, 1932 and 1933, and the number of Muslims who were recruited in each appointment in those vacancies ?

(c) Will Government be pleased to state the number of Muslims at present on the waiting list for the appointments referred to above ?

(d) Is it a fact that the number of Muslims at present holding some of the above appointments is shortly going to be reduced ? If so, why ?

#### REDUCTION OF PAY OF SUBORDINATES ON THE NORTH WESTERN RAILWAY.

483. \*Haji Chaudhury Muhammad Ismail Khan : (a) Is it a fact that the scales of the Senior and Junior Subordinates on the North Western Railway have been reduced ?

(b) Is it a fact that the reduction in these scales was effected when a few Indians were admitted to these services ?

(c) If the answers to parts (a) and (b) above are in the affirmative, is it a fact that the admission of Indians has resulted in the reduction of pay of these appointments ?

**Mr. P. R. Rau :** (a) I presume my Honourable friend is referring to the new scales of pay introduced for all new entrants into the subordinate services on the North Western Railway from the 1st August, 1934 ; if so, the answer is in the affirmative.

(b) and (c). No.

#### FALL IN INCOME-TAX REVENUE OWING TO THE EARTHQUAKE IN BIHAR.

**484. \*Mr. Sitakanta Mahapatra :** (a) Are Government aware that there will be a fall in Income-tax revenue, under the head 'property' owing to the earthquake in Bihar ? If so, what is the expected deficit to the estimated income-tax revenue from Bihar and Orissa ?

(b) Do Government propose to grant remissions of income-tax revenue to the people in the area affected by the earthquake ?

**The Honourable Sir James Grigg :** (a) Yes, but it is not possible at present to give any reliable estimate of the short fall.

(b) A notification has been already issued granting an increased allowance on account of repairs in the case of house property situated in the affected area.

**Mr. Gaya Prasad Singh :** May I know what the Finance Department of the Government of India, especially the Central Board of Revenue, is going to do towards those affected by the earthquake in Bihar as regards the remission or suspension of income-tax ?

**The Honourable Sir James Grigg :** If the Honourable Member wants to know the views of the Government of India on a general question like this, I shall be very grateful if he will put it down on paper. This specific question relates to granting an increased allowance on account of repairs in the case of house property situated in the affected area. That point has already been dealt with.

#### POSTING OF CERTAIN INCOME-TAX OFFICIALS AT A PARTICULAR STATION FOR A LONG TIME IN BIHAR AND ORISSA.

**485. \*Mr. Sitakanta Mahapatra :** (a) Is it a fact that certain Income-tax officials (Officers, Inspectors, Accountants, Head Clerks and Personal clerks) in Bihar and Orissa have been posted to a particular station (district) for a very long time ? If so, do Government propose to transfer them to other places ? If not, why not ?

(b) Will Government be pleased to state the number of Income-tax officials in Bihar and Orissa who have continued in one place for more than three years and the number of those who are posted in their native districts ?

(c) Will Government please state whether there is any minimum number of assessments fixed (excluding lower incomes below Rs. 2,000) which must be completed each month by an Income-tax Officer in Bihar

and Orissa, and whether there is any such minimum fixed in other provinces ?

(d) Will Government please state the total number of requests for leave made by Income-tax Officers in Bihar and Orissa during the years 1932 and 1933, and the number of them that were granted leave ?

(e) Are Government aware that this sense of insecurity in service, as well as the insistence of longer hours of work at the cost of the health of the staff of the Income-tax Department in Bihar and Orissa was expressed in a Resolution passed by the Bihar and Orissa Income-tax Officers Association ? If so, what steps have Government taken to remove those grievances of the staff of the Income-tax Department in Bihar and Orissa ? If they are not aware, do Government propose to inquire into the service conditions of that Department in Bihar and Orissa ?

**The Honourable Sir James Grigg :** With your permission, Sir, I propose to answer questions 485 and 486 together. Enquiries are being made and the result will be laid on the table in due course.

**STANDING COUNSEL TO THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.**

†486. **\*Mr. Sitakanta Mahapatra :** (a) Are Government aware that the present Standing Counsel to the Income-tax Department in Bihar and Orissa was also implicated along with the present Commissioner of Income-tax, Bihar and Orissa in the sensational allegations made by Maharajadhiraja of Dharbhanga in the suit filed by him against the Income-tax authorities in Bihar and Orissa in 1928 ?

(b) Is it a fact that the present Commissioner of Income-tax is responsible for the selection of the present Standing Counsel in succession to the Honourable Justice Agarwala, when he was promoted to the Bench ?

**RETRENCHED HANDS OF THE BIHAR AND ORISSA INCOME-TAX DEPARTMENT.**

487. **\*Mr. Sitakanta Mahapatra :** Will Government please state if the names of retrenched hands in Bihar and Orissa Income-tax Department are retained on a waiting list for reinstatement for being offered posts against vacancies that occur, according to their assurance given to the men retrenched from the Railways, and particularly when the Honourable the Finance Member stated on the 20th April, 1934, in his reply to my question No. 792 that retrenchment is not punishment ?

**The Honourable Sir James Grigg :** The answer is in the negative.

**Mr. Sitakanta Mahapatra :** Do not Government propose to treat the retrenched officers of the Income-tax Department in the same way as the retrenched railway officers ?

**The Honourable Sir James Grigg :** As a matter of fact, I have made inquiries into this matter and the explanation is this that the retrenchment of Income-tax Officers in Bihar and Orissa was confined to those whose work was consistently unsatisfactory, and that is the reason why they will not be re-instated.

**Maulvi Muhammad Shafee Daoodi :** Will Government make further inquiries in view of the representations recently made by some of those who have been retrenched ?

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†For answer to this question, see answer to question No. 485.



**The Honourable Sir James Grigg :** Certainly, but there can be no question of re-instating those officers whose work was found to be consistently unsatisfactory.

**Mr. Gaya Prasad Singh :** Am I to take it that the work of all these officers who have been retrenched in the Province of Bihar and Orissa has been uniformly unsatisfactory ?

**The Honourable Sir James Grigg :** That is my information.

**Mr. Sitakanta Mahapatra :** May I ask, Sir, whether these officers have been retrenched as a punishment ?

**The Honourable Sir James Grigg :** I did not say that at all, but obviously commonsense requires that if you are retrenching officers in a Department you should get rid of the most unsatisfactory first.

**Maulvi Muhammad Shafee Daoodi :** In view of the persistent complaint made in regard to the injustice done to the retrenched officers of the Income-tax Department in Bihar and Orissa, will the Honourable Member see his way to look into this matter once again ?

**The Honourable Sir James Grigg :** I have already, in connection with this question, made inquiries into the matter and certainly, as I said before, I will not be a party to the re-instatement of people whose work has been consistently unsatisfactory.

**Diwan Bahadur A. Ramaswami Mudaliar :** Does the Honourable Member realise that if a Government servant is to be removed for unsatisfactory conduct, a charge has to be framed and an opportunity has to be given to him to show that the charge or the orders passed are justified ? In the present case, no charge has been framed and no explanation has been taken, and if the Honourable Member now says that they have been retrenched because of their unsatisfactory work, does it not really mean that they have been dismissed without the elementary principles of justice being satisfied ?

**The Honourable Sir James Grigg :** The explanation given by me does not mean anything of the sort. There is a world of difference between officers who have been retrenched and those who have been dismissed as a consequence of a specific charge.

**Maulvi Muhammad Shafee Daoodi :** Can a member of the service, drawing a high salary and having served for a number of years, be retrenched without giving any reason whatsoever, and when vacancies are being filled now, his case is not being considered at all ?

**The Honourable Sir James Grigg :** I do not quite understand the point of the question. As I said, a certain number of officers were retrenched and the Department chose quite sensibly to retrench those who were least efficient and most unsatisfactory. Obviously, it will be a folly to re-instate in the service, when the vacancies arise, people whose work was consistently unsatisfactory.

**Mr. Gaya Prasad Singh :** But the fact that the work of these officers has been consistently unsatisfactory was brought to the light of the Central Board of Revenue only at the time of the retrenchment. Was there any bad record of these officers previously also ?

**The Honourable Sir James Grigg :** I imagine that the Central Board of Revenue were perfectly well aware of the unsatisfactory nature

of their work but it did not amount to its being so unsatisfactory as to justify their dismissal on disciplinary grounds or on grounds of incompetency, but quite naturally when you have to get rid of officers, you should get rid of the least efficient.

**Mr. Lalchand Navalrai :** May I ask, Sir, if there are no more unsatisfactory officers in the Income-tax Department ?

**The Honourable Sir James Grigg :** I would not like to give a categorical answer to a question of that nature.

**Dr. Ziauddin Ahmad :** In view of the fact that this is not a solitary example and there has been similar examples in other Provinces to which the attention of the Finance Department has already been drawn before the present Finance Member came to India, namely, that retrenchment has been misused by the Departments and that persons, against whom the Government did not like to frame charges, were retrenched, will Government inquire into such cases ?

**The Honourable Sir James Grigg :** What I am going to say now will illustrate the point of my reply to my Honourable friend, Diwan Bahadur Mudaliar's question. When these people were retrenched, they presumably got compensation or pension under the ordinary retrenchment terms. They were in fact people who were not so unsatisfactory as to justify dismissal. They have got full compensation for their services, and the only thing is that we are not going to put them back into service again.

**Mr. S. C. Mitra :** Was there any inquiry, departmental or otherwise, before these people were retrenched for uniformly unsatisfactory work, and whether they were given any chance to refute those charges ?

**The Honourable Sir James Grigg :** No charges were brought against them. They were retrenched and given full compensation for their services. All I say is that presumably the quality of their work was perfectly well known to the heads of their Departments. It would be an act of gross folly to put back people whom we regarded as incompetent.

**Mr. Gaya Prasad Singh :** The quality of their work was perfectly well known to the officers. Am I to understand from this that there was evidence on record to show that their work was uniformly unsatisfactory from before the time they were given orders of discharge ?

**The Honourable Sir James Grigg :** In the case of every officer there is a confidential record of his work kept every year throughout his service.

**Sir Abdur Rahim :** Is it the case of the Honourable Member that retrenched officers were men whose work was found unsatisfactory

**The Honourable Sir James Grigg :** Does the Honourable Member mean generally or specially ?

**Sir Abdur Rahim :** Generally.

**The Honourable Sir James Grigg :** I could not possibly give any categorical answer.

**Mr. B. K. Puri :** If it had not been on account of retrenchment consideration, would you have framed charges against these people on account of their uniformly bad work ?

**The Honourable Sir James Grigg :** I have not said any such thing. Everybody knows that there are always border-line cases in an office of people who are uniformly inefficient, but who have not committed any offence or any wrong and whose inefficiency would not justify their being dismissed out of hand without any compensation or pension.

**Mr. B. R. Puri :** What I should like to know is this that, if their work was uniformly bad and if the question of retrenchment had not come in and you wanted to get rid of that lot, would you or would you not have framed charges against them and give them an opportunity of explaining those charges ?

**The Honourable Sir James Grigg :** I cannot answer a hypothetical question like that.

**Mr. B. R. Puri :** That is not a hypothetical question. It is a very concrete question.

**The Honourable Sir James Grigg :** This is certainly a hypothetical question. " Would I have done a certain thing if a certain thing had happened " is certainly a hypothetical question.

**Mr. B. R. Puri :** How long was this uniformly bad work on the part of these people known to the Department ?

**The Honourable Sir James Grigg :** It varies in the case of the different officers.

**Mr. B. R. Puri :** Was it or was it not known to the officers in charge of these people long before retrenchment came in ?

**The Honourable Sir James Grigg :** In some cases at any rate, yes.

**Mr. B. R. Puri :** Then why were they not got rid of earlier ?

**The Honourable Sir James Grigg :** I have answered that earlier that their work, though unsatisfactory, yet was not so unsatisfactory as to justify their dismissal out of hand without any compensation or pension.

**Mr. K. C. Neogy :** Do I take it that it was the unsatisfactory condition of the Government finances that aggravated the unsatisfactory character of their work ? (Laughter.)

**The Honourable Sir James Grigg :** That is a question which does not arise out of this.

**Maulvi Muhammad Shafee Daoodi :** May I know why one Mahesh Prasad Chaudhury, who had very satisfactory work throughout his 13 years service, was retrenched ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Obviously that question cannot be answered off-hand by the Finance Member.

**Maulvi Muhammad Shafee Daoodi :** There are only three cases which are under discussion and no more than that. I am asking a particular question, because the Honourable the Finance Member has been evading replies to questions. That is the reason why I am asking this particular question. Is it not a fact that one Mahesh Prasad Chaudhury had a good record of work for 13 years and he has been highly spoken

of by officers of his Department and still he was retrenched without being given any chance for showing that he was not inefficient ?

**The Honourable Sir James Grigg :** As pointed out by you, Sir, I am afraid I cannot answer any questions of this particular nature on this subject.

**ORIYAS EMPLOYED IN THE TELEGRAPH DEPARTMENT IN THE ORISSA CIRCLE.**

488. **\*Mr. Sitakanta Mahapatra :** Will Government please state the number of Oriyas employed in the Telegraph Department in the Orissa Circle ?

**The Honourable Sir Frank Noyce :** I presume that the Honourable Member is referring to the Bihar and Orissa Circle. The information has been called for and a reply will be placed on the table of the House in due course.

**EMPLOYMENT OF UNQUALIFIED MEN IN THE GOVERNMENT OF INDIA OFFICES.**

489. **\*Mr. Sitakanta Mahapatra :** (a) Will Government please state the number of permanent and *quasi*-permanent (e.g., vacancies caused by men on leave pending retirement) posts in the ministerial establishment of the Government of India Secretariat and its attached offices, which are shown in the registers of the Accountant General, Central Revenues, as lying unfilled or having been filled temporarily or in an officiating capacity ?

(b) Is it a fact that a number of permanent, deputation and temporary vacancies in the Railway Board, Office of the Director General, Posts and Telegraphs, Home, Foreign and Political, Finance, Industries and Labour Departments and the Imperial Council of Agricultural Research are at present being held by unqualified candidates ? If so, will Government please state the number of these vacancies and the period for which they have been existing in the respective offices and have been held by unqualified candidates ?

(c) Is it not a fact that the Public Service Commission have been holding regular examinations for the recruitment of ministerial staff since 1931, and have been supplying the offices with lists of candidates who are qualified for temporary appointments ? If so, will Government please state how these unqualified men could be appointed in preference to the men on the lists of the Commission and why no steps have been taken to replace them ? Are Government not under a moral obligation to provide those candidates who appear at and pass their examinations to the vacancies existing, permanent or otherwise ?

(d) Is it permissible to appoint unqualified men to officiate in permanent vacancies or to appoint such men in long period temporary or deputation posts when qualified men are available ? If so, under what rules ?

**The Honourable Sir Henry Craik :** (a) and (b). The information is being collected and will be supplied to the House in due course.

(c) and (d). The answer to the first part of clause (c) is in the affirmative. As regards the right of Departments to employ unqualified men in temporary vacancies, I would invite the Honourable Member's attention to the reply given to parts (c) and (d) of Sardar Sant Singh's question No. 212 on the 21st February, 1934.

**REVISED SCALES OF PAY FOR THE CLERICAL ESTABLISHMENT OF THE ATTACHED OFFICES.**

490. \***Mr. Sitakanta Mahapatra** : (a) Is it a fact that Government have announced the revised scales of pay for the clerical establishment of the attached offices ?

(b) Is it a fact that under that announcement all clerks in the lower division of attached offices are to be classed as second division clerks and that a third division shall be introduced gradually in those offices through fresh recruitment ?

(c) Are Government aware that there already existed two divisions, viz., second and third divisions, under two different sources of recruitment in the lower division of attached offices before the announcement was made ?

(d) Is it a fact that as a result of this announcement many clerks who were recruited on the results of the Second Division Examination have been placed in the third division while many clerks who were recruited as a result of the third division examination have been placed in the second division and that the latter class of clerks have thus gained an advantage not only over the former class but also over their confreres in the third division of the Secretariat ?

(e) Are the third division clerks in attached offices, who are thus classed as second division clerks, to receive preference over or equality with those clerks who were recruited as a result of the second division examination and who continue to remain in the second division along with them in matters of seniority and promotion ? If not, do Government propose to issue clear instructions on this point ?

(f) In making the announcement, was there any reason not to recognise the two divisions in the lower division of the attached offices which were in existence at the time of the announcement and on the basis of which recruitment had been made upto that time ? If there was any reason, what was it ?

(g) Is it not a fact that the net result of the new announcement has been to benefit the old third division, that is to say the typists and routine clerks at the expense of other clerks who are qualified for the first and second divisions of the Secretariat ? If not, why not ?

(h) Are Government aware that the latter class of clerks in the attached offices have already doubly suffered in comparison with their confreres in the Secretariat by being given a third division rate of pay which has also been the pay for the third division clerks in their offices and lesser scope of promotion to the first division ? If so, do Government propose to ensure that the rights and privileges of the old second and the first division qualified clerks in matters of promotion, etc., at least continue as they were at the time of the announcement ? If not, why not ?

**The Honourable Sir Henry Craik** : (a) and (b). The reply is in the affirmative.

(c) Prior to the re-organisation effected in conjunction with the introduction of rates of pay for new entrants to Attached Offices, there were only two Divisions in such offices, namely the First and the Second.

The latter, however, contained two categories of men, *viz.*, those who had qualified for the Second Division and those who had qualified for the Routine Division.

(d) No. The orders provide that all those in the old Second Division will remain in the new Second Division. No existing members of the Second Division are to be placed in the new Third Division which is to be formed by future recruitment.

(e) to (h). I find it difficult to understand the point of these clauses, but I may say generally, that it is not proposed to disturb the existing orders fixing the proportionate basis of recruitment to the First Division. If the Honourable Member will let me have the details of any particular case or cases he has in mind I will have them examined.

COMMISSIONED OFFICERS SERVING IN THE INDIAN ARMY, THE INDIAN AIR FORCE AND THE INDIAN MARINE.

491. \*Sirdar Harbans Singh Brar : (a) Will Government please state the total number of commissioned officers serving in the Indian Army, the Indian Air Force and the Indian Marine ?

(b) Will Government please state the average number of annual retirements in each of these branches ?

(c) Will Government please state the average number annually recruited to the commissioned ranks of these services ? How many of them are to be British and how many Indians according to present arrangements ?

Lieut.-Colonel A. F. R. Lumby : (a), (b) and (c). The number of King's Commissioned officers, at present serving in the Indian Army, is 2,990. The average number of those who have retired during the last three years is 110. During that period the same average number has been recruited annually, made up of 90 British and 20 Indian officers. When the Indian Military Academy begins to turn out its full quota the number of Indian officers recruited annually will increase to about 60. I presume that the Honourable Member is not asking for information regarding the Viceroy's Commissioned officers of the Indian Army as he has put down a separate question on this subject.

The number of commissioned officers at present serving in the Indian Air Force is nine. It is impossible to estimate the average wastage in a service which has only been in existence for a little over a year. Six Indian cadets are now receiving training at the Royal Air Force College, Cranwell, to which normally two Indian cadets are sent each year. The British officers at present serving with the Indian Air Force have been loaned to it from the Royal Air Force to supervise its formation. Its establishment will ultimately be entirely Indian.

Information regarding the Royal Indian Marine is being obtained and will be laid on the table at an early date.

Sir Abdur Rahim : It appears from the answer given by the Army Secretary that he is not quite sure that 60 will be the output of the Military College at Dehra Dun this year or every year. Is that the position ?

**Lieut.-Colonel A. F. R. Lumby :** There may always be a certain amount of wastage. Some cadets may not qualify for commissions ; so I qualified my statement by saying " about 60 ". I hope there will be the full 60.

**Sir Abdur Rahim :** What will be the exact number ? I think he is in possession of it.

**Lieut.-Colonel A. F. R. Lumby :** I believe 23. We were not able to make good the wastage during the first term as you can well understand.

#### RECRUITMENT OF VICEROY'S COMMISSIONED OFFICERS.

492. **\*Sirdar Harbans Singh Brar :** (a) How many Viceroy's Commissioned officers are generally recruited in one year ? Is the recruitment to continue or not ? If not, when will it stop ?

(b) How many Viceroy's Commissioned officers are to be retired annually from now onwards, and when will this service become extinct according to the present plans of Government ?

**Lieut.-Colonel A. F. R. Lumby :** (a) and (b). Viceroy's Commissioned officers are not generally recruited direct, but are usually promoted from the non-commissioned ranks of the Army. The average number of Viceroy's Commissions, granted during the past three years, is 328. This figure excludes those appointed to Pioneer Battalions which have been disbanded.

The existing system of granting Viceroy's Commissions will continue for the present except in the case of units which are being Indianised. The non-commissioned ranks of such units will still be eligible for promotion to Viceroy's Commissioned rank in units which are not being Indianised.

Approximately 300 Viceroy's Commissioned officers, now serving in Indianising cavalry and infantry units, will be retired between January, 1935, and the end of 1940, but the exact annual proportion is not yet certain.

The rank of Viceroy's Commissioned officer will not become entirely extinct until the Indianisation of every part of the Indian Army is complete. As regards the extension of the policy of Indianisation beyond the existing programme, I would refer the Honourable Member to the answer to part (c) of question No. 63, asked in the Council of State, by the Honourable Rai Bahadur Lala Jagdish Prasad, on the 20th February, 1933

**Captain Sher Muhammad Khan Gakhar :** May I ask if Government have made any arrangement for the young Indian officers who will be replaced by the cadets from Abbottabad from the Indianised units ? Are there not young Indian officers who have not completed the service for pension ?

**Lieut.-Colonel A. F. R. Lumby :** I want notice of that question. There is certainly no intention of getting rid of any Viceroy's Commissioned officers prematurely without compensation.

**Sir Abdur Rahim :** If the Indian Viceroy's Commissioned Officers are gradually eliminated, does it not mean that it will require practically double the number of officers from Dehra Dun than would be otherwise under the present system in which Viceroy's Commissioned officers are to be found in the Indian Army ?

**Lieut.-Colonel A. F. R. Lumby :** The Honourable Member is perfectly correct. The figure of 60 which is the present output of the Indian Military Academy is based on the figures of the officer establishment of the division which His Excellency the Commander-in-Chief has announced is to be Indianised first of all. The officer establishment of that Division is reckoned on the basis of 28 Indian Commissioned officers for an infantry unit and the full establishment of Indian Commissioned officers in every other kind of unit.

**Sir Abdur Rahim :** What will be the increased cost under the new system that is proposed ?

**Lieut.-Colonel A. F. R. Lumby :** To take an Indian infantry battalion, I understand the saving will be somewhere in the region of Rs. 20,000 a year.

**Sir Abdur Rahim :** If the Viceroy's Commissioned officers are replaced by the Dehra Dun officers, then will there be a saving or an increase in the cost ?

**Lieut.-Colonel A. F. R. Lumby :** I am referring to the time when the new establishment is complete and there are no British officers, but a full establishment of Indian Commissioned officers paid at the rates which are being fixed for new entrants to the Indian Army.

**Sir Abdur Rahim :** Even taking into account the fact that there will be no more Viceroy's Commissioned officers ?

**Lieut.-Colonel A. F. R. Lumby :** Even taking that fact into consideration, and even taking into consideration the fact that the establishment is to include some nine warrant officers who will be more highly paid than any non-commissioned rank at present serving in an Indian regiment. These warrant officers will be paid nearly as much as a *jamadar*, and still there will be a saving.

**Lieut.-Colonel Sir Henry Gidney :** Is it not a fact that the gradual and ultimate complete extinction of the Viceroy's Commission does not meet with any approval amongst the Indian officers ?

**Lieut.-Colonel A. F. R. Lumby :** There is at least one *ex-Indian* officer in this House who approves of it.

**Lieut.-Colonel Sir Henry Gidney :** Does one constitute the whole lot ?

**Sir Abdur Rahim :** Will not the saving be effected by considerably lowering the pay of the officers of the Dehra Dun Academy ?

**Lieut.-Colonel A. F. R. Lumby :** The initial rate of pay was announced in 1932. The starting pay is Rs. 300 a month instead of the present rate of Rs. 400.

**Sir Abdur Rahim :** Will the scale of pay be lower throughout and also the pensions ?

**Lieut.-Colonel A. F. R. Lumby :** Yes, Sir. The idea is to base the scale of pay on purely Indian standards. This, I understand, it is



proposed to do, throughout the Indian services. The rates of pay proposed are practically identical with the rates of pay that are at present drawn by officers of the British army serving in England.

**Sir Abdur Rahim :** Was any inquiry made by the military authorities before embarking on this experiment of reducing the scale of pay of future officers ?

**Lieut.-Colonel A. F. R. Lumby :** I am not quite clear from whom the inquiry was to be made.

**Sir Abdur Rahim :** From officers who are there and from public bodies generally ?

**Lieut.-Colonel A. F. R. Lumby :** I think I am correct in saying that, when the reduced scales were being framed, it was understood that this was being done in accordance with the wish of Indian public opinion that future scales of pay should be less than they are at present.

**Sir Abdur Rahim :** Was that public opinion ascertained by any specific inquiry or investigation ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I cannot say how the inquiries were made, or indeed whether we made any inquiries.

**Mr. Vidya Sagar Pandya :** Was it not also public opinion that the British service and salaries should be curtailed ? If one part of public opinion is carried out, why should not the other part also be carried out ?

#### EUROPEANS RECRUITED TO THE COMMISSIONED RANKS OF THE ARMY.

493. **\*Sirdar Harbans Singh Brar :** Will Government please state the number of Europeans who are at present annually recruited to the commissioned ranks of the Army, and the number which will be recruited if the Indian Army Act is passed into law and the recruitment to the Viceroy's Commission is discontinued ?

**Lieut.-Colonel A. F. R. Lumby :** With your permission, Sir, I propose to answer questions Nos. 493 and 494 together.

I would refer the Honourable Member to the answer which I gave today to his question No. 491.

As a member of the Select Committee on it, the Honourable Member should be aware that the Bill he refers to deals with discipline and kindred matters and will not, if passed, have any effect on recruitment. Similarly, the decision gradually to discontinue the grant of Viceroy's Commissions will have no effect on the number of Indian Commissioned officers recruited ; on the contrary the pace of their recruitment will regulate the number of Viceroy's Commissions to be granted.

**Sirdar Harbans Singh Brar :** Is it not a fact that by the extinction of Viceroy's Commissions, the number of King's Commissioned officers who are recruited in those Divisions which ought to be Indianised will be doubled, while the rate of Indian Commissioned officers appointed to those Divisions will remain stationary ?

**Lieut.-Colonel A. F. R. Lumby :** I do not understand where the difference comes in. The Indian Commissioned officers recruited from

Dehra Dun will gradually replace the Viceroy's Commissioned officers and the British officers in the establishments of infantry units which will gradually be expanded to a strength of 28 Indian officers.

**Sirdar Harbans Singh Brar :** Are you going to increase the Indian Commissioned officers in the same proportion as the Viceroy's Commissioned officers are to be reduced in addition to the present number of Indians recruited as Commissioned officers? Is it not a fact that at present every Regiment has 14 King's Commissioned officers and 18 Viceroy's Commissioned officers, but in future there are to be no Viceroy's Commissioned officers, but only King's Commissioned officers 28 per regiment instead of 42? Are Government prepared to allot all these additional 14 vacancies in each Regiment for Indians in addition to the present recruitment of 60 Indian Commissioned officers per year?

**Lieut.-Colonel A. F. R. Lumby :** As I have already said in answer to another supplementary question, the figure of 60, which is to be the output of Dehra Dun, is based on the Indianisation of one division, the officer strength of which is worked out on the increased establishments of Indian officers.

#### INDIANS RECRUITED TO THE COMMISSIONED RANKS OF THE ARMY.

†494. **\*Sirdar Harbans Singh Brar :** Will Government please state the number of Indians now recruited to the commissioned ranks of the Army annually and the number of Indians which will be recruited annually if the Indian Army Act is passed into law and the recruitment to the Viceroy's commission is discontinued?

#### INDIANISATION OF THE COMMISSIONED RANKS OF THE ARMY.

495. **\*Sirdar Harbans Singh Brar :** Will Government please state the number of years within which the commissioned ranks of the Army in India will be wholly Indianised at the present rate of Indianisation?

**Lieut.-Colonel A. F. R. Lumby :** The attention of the Honourable Member is invited to the last sentence of the answer I have just given to his question No. 492.

**Sirdar Harbans Singh Brar :** Will I be correct in assuming that the answer of Government is that it is never going to be Indianised?

**Lieut.-Colonel A. F. R. Lumby :** The answer of Government is, as I have said twice before this morning, that the figure of 60 as the output of the Indian Military Academy is based on the proposal to Indianise one Division only. It was never the intention that the figure of 60 should Indianise the whole Indian Army. It certainly could not.

**Sir Abdur Rahim :** Will that take nearly 20 years?

**Lieut.-Colonel A. F. R. Lumby :** I find that it was estimated that the time it would take to Indianise one complete Division, taking into account the Indian officers that we have at present and the output from Dehra Dun, was about 18 years.

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†For answer to this question, see answer to question No. 493.

**Sir Abdur Rahim :** And supposing the output is reduced to 23 as in the case of the very first year, how much longer will it take ?

**Lieut.-Colonel A. F. R. Lumby :** The reason for the reduction to 23 in the very first term is that it was impossible in the first term to fill up the vacancies caused by cadets who fell out. In future, there should only be the wastage that happens at the end of each term, because cadets fail to qualify at the end of the course. Every vacancy that occurs during the course is filled up at the latest at the beginning of the term after it occurs.

**Sir Abdur Rahim :** Is it not a fact that there are ten times as many applications as there are vacancies in the Academy and that you had a selection out of that number this year ?

**Lieut.-Colonel A. F. R. Lumby :** The applicants are many, but I do not think they are quite as many as ten times the number of vacancies. They were considerably more on one occasion. But the numbers who qualify are not very many more than the vacancies which have to be filled.

**Sir Abdur Rahim :** Are there not six Divisions in the Indian Army ?

**Lieut.-Colonel A. F. R. Lumby :** Actually the organised Divisions are four, but you could probably, if you tried, make more than four. You could probably squeeze out the infantry of as many as eight.

#### MARRIED LADY CLERKS IN THE RAILWAY BOARD'S OFFICE.

496. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state the number of married lady clerks in the office of the Railway Board ?

**Mr. P. R. Rau :** One lady stenographer is married and one lady clerk is a widow.

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#### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 223, asked by Mr. Bhuput Sing on the 25th July, 1934.*

#### PROVISION OF A TURNSTILE GATE AT THE GARHI HARSARU RAILWAY STATION ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

The Agent, Bombay, Baroda and Central India Railway, replies as follows :

“(a) Yes.

(b) Hardly a large number.

(c) No.

(d) There is a third class passenger waiting shed with an area of 720 sq. ft. to accommodate 80 passengers at 9 sq. ft. per passenger. There are, so far as we are aware, no ferocious wild animals or dacoits.

(e) Our information is that a Dharamshala was provided at a cost of Rs. 20,000 for the use of any one whether travelling by rail or not.

(f) Our policy is not to allow outsiders to supply water to passengers in trains or on platforms. As a special case, however, one Seth Kishanlal has, at his own request, been allowed to send 4 men to supply water to passengers. But they are actually superfluous, as besides the travelling watermen in

trains there are two Hindu watermen and one Bhisti during the hot weather and one waterman and one Bhisti at other times.

(g) Yes.

(h) Possibly so, but on further consideration the applicant was advised by this Railway's Traffic Superintendent that it was not proposed to provide the gate.

(i) The applicant was asked by this Railway's Departmental officers to agree to pay, for the facility asked for, the usual annual rental payable in similar cases as per this Company's Rules.

(j) Yes.

(k) Yes, but as an opening already exists in the Railway fencing for the convenience of passengers and it was considered that the travelling public going to and from the Dharamshala and the station were not put to any undue hardship by using it, the request for a separate gate in the fencing opposite the Dharamshala was refused."

(l) No. Government consider a further enquiry unnecessary.

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*Information promised in reply to starred questions Nos. 251 and 252 asked by Seth Haji Abdoola Haroon on the 30th July, 1934.*

#### WATCH ON THE ACTIVITIES OF YOUNG MEN IN BALUCHISTAN WHO READ NEWSPAPERS.

*Question No. 251.*

No.

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#### PERMISSION TO CERTAIN GENTLEMEN TO ISSUE NEWSPAPERS FROM BALUCHISTAN.

*Question No. 252.*

Applications from these persons are at present under the consideration of the local officials.

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*Information promised in reply to starred question No. 300 asked by Mr. S. G. Jog on the 30th July, 1934.*

#### EXTENSION: GRANTED IN THE CURRENCY OFFICE, CAWNPORE.

(a) Yes.

(b) and (c). Extensions have been granted to three persons only since 1925.

(d) One in the Cawnpore Office and three in other Currency Offices in India.

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#### ELECTION OF A MEMBER TO THE FUEL OIL COMMITTEE.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I have to inform the Assembly that up to 11 A.M. on Monday, the 6th August, 1934, the time fixed for receiving nominations for the Fuel Oil Committee, only one nomination was received. As there is only one candidate for the vacancy, I declare Mr. F. E. James to be duly elected.

## THE INDIAN ARMY (AMENDMENT) BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Lieut.-Colonel A. F. R. Lumby** (Army Secretary) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Army Act, 1911, for certain purposes.

## THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I beg to move :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

This legislation is largely of a formal character and is of a class with which this House is familiar as it has passed several Acts of a somewhat similar character. The necessity for the Act arises out of the fact that, in March of this year, the Assam Legislative Council passed an Act conferring on certain officers certain special powers for dealing with terrorism and that Act contained two sections which were *ultra vires* of the Local Legislature. Section 15 conferred on persons convicted by certain Special Tribunals set up by the Act a right of appeal to the High Court ; and section 29 abrogated the powers of the High Court under section 491 of the Code of Criminal Procedure. As the House is well aware, a Local Legislature is not competent to pass any legislation modifying or adding to the jurisdiction of the High Court as laid down in the Letters Patent, and, therefore, those two sections of the local Act are of no effect, and unless this Supplementary Bill is passed, persons convicted by these Special Tribunals will have no right of appeal to the High Court. It may be asked, why the Local Legislature passed these two sections which they were not competent to pass. I am afraid that, as regards that, the debates in the Assam Legislature do not throw any light. I tried to find out whether the point of the competence of the Local Legislature was raised in the course of the debate, but apparently it was not. Section 15 of the Assam Act was passed without any debate at all, and section 29 was passed after only a short debate and not a debate on this particular point.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Then why not refer it back and keep the thing pending ?

**The Honourable Sir Henry Craik** : What is the good of referring it back ? They cannot pass these sections, they are admittedly not competent to pass them. I do not think it is necessary for me to say anything more about this Bill ; as I have said, this Central Legislature has on more than one occasion passed Bills of almost exactly similar character to enure deficiencies or to supplement *lacunae* in local Acts, and I hope that the House will accept the same principle and agree to the passage of this Bill. Sir, I move :

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadian Rural) : On a point of information, Sir, I would like to know whether the Honourable the Home Member wants to delete section 3, because he has not

referred to the abrogation of section 491 of the Criminal Procedure Code which is a very valued right, *viz.*, the right of Habeas Corpus.

**The Honourable Sir Henry Craik :** Sir, I did refer to that. I explained that section 29 of the local Act purported to abrogate the powers of the High Court, the Habeas Corpus powers : I am not quite sure that I apprehend the Honourable Member's point. I did explain that the local Act purported to abrogate those powers and that that was not within the competence of the Local Legislative Council. This Bill purports to do exactly the same thing, which the Local Legislative Council did without having the authority to do it. I hope that is clear.

**Mr. T. R. Phookun** (Assam Valley : Non-Muhammadan) : Sir, I think it is usual to have the original Act before the Members : on other occasions it has been done, but, unfortunately, I do not find the original Act to which this is going to be an amendment ; and before the House is asked to judge about the matter, I hope the Honourable the Home Member will think about it as it was done by Sir Harry Haig on a previous occasion.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Sir, the same question was raised on a similar occasion and I think you gave a direction ; and it will be doing an injustice to the House if we are asked to pass a legislation on subjects of which we are quite ignorant, and I hope that some direction from the Chair will rectify this. There have been repeated complaints about this. We are not in a position to judge the Supplementary Bill unless we are supplied with the main Act.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair explained the other day that, where we have got an amending Bill, it is not possible to supply to every Member of the House a copy of the original Act of which this is an amendment. But, what the Chair undertook was that it would see that a sufficient number of extra copies were kept in the Library of the House for reference purposes, and, in accordance with that, there are lying on this very table extra copies : if any Member had cared to look, or ask for it, it would have been supplied.

**Mr. T. R. Phookun :** I think it should have been supplied to Members in good time so that they could have studied it : simply putting it on the table just now does not make up for the deficiency I am speaking of.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Is it the contention of the Honourable Member that, if there is a Bill to amend the Civil Procedure Code, for example, the whole of the Civil Procedure Code should be given to every Honourable Member ?

**Mr. T. R. Phookun :** The Act we are going to amend is not the Civil Procedure Code—it is an Act of another Legislature and we must know its provisions : we merely know that the Assam Council has passed a measure which neither the Government there nor the Members knew that they had any jurisdiction to pass.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair undertook to see that a sufficient number of extra copies were placed in the Library. Beyond that, how is the Chair to give a direction generally that copies of the original Act should always be given whenever there is an amending Bill ?

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Copies of the Bengal Act were supplied to Members, if I remember aright. In matters with which the House is familiar, like the Civil Procedure Code or the Criminal Procedure Code, there is no necessity. But when there is an amending Bill, and the Act sought to be amended is of an obscure nature, not known to the House, and is not very bulky, I think the Government might consider whether they could not distribute copies to every Member.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, may I explain what happened ? If these copies had to be distributed, they would have been distributed by the Legislative Assembly Department. On the last occasion, when this question was discussed, as soon as the question was raised, as many copies as were available were supplied to Members, and it was said that if there was any demand for any Act which was being discussed, as many copies as were available would be supplied. This Bengal Act and the Assam Act appeared on the agenda on the same day ; I think these have been appearing on the agenda for the last 15 days, and during these last 15 days not one Member has made any application either to the Legislative Department or to anybody, nor did they show the least anxiety to have a copy of this Act. That is why it has not been possible to supply copies.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, so far as I am concerned, I have got a copy.

**Sir Abdur Rahim** : It was said just now that the Legislative Department did supply a few copies of their own motion.

**The Honourable Sir Nripendra Sircar** : Yes, because there was a demand for them, and it was also stated that if, in respect of any Act there was a demand, as many copies as were available would be supplied, and not that copies would always be supplied to each of the Members.

**Sir Abdur Rahim** : They had supplied a few copies without application ?

**The Honourable Sir Nripendra Sircar** : A grievance was made that copies were not made available, but that is not correct.

**Mr. T. R. Phookun** : It is understood that even copies of the proceedings of the Assam Legislative Council are not available in the Library. How are we to judge then of the effect of this measure ? It may be that one particular Member is interested in it, and, therefore, is going abegging, but should others ? When a measure of such importance is going to be placed before the Assembly, I think the Departments concerned should not mind a little trouble or expense in getting ready as many copies of the Act as possible for the use of Honourable Members. Now, Sir, in this particular case, not even the proceedings of the Assam Legislative Council are available in the Library of the House, not to say that no copy has been placed on the table of the House. Therefore, I would urge that Honourable Members who do not know much of Assam or who do not take much interest in Assam should be made fully aware of how things are going on there, and as many copies of the proceedings and also of the Acts which will be discussed here should be made available for use of Honourable Members.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, I went to the Library to ask for a copy, and I was told that there was only one copy,

and Mr. Neogy pinched it in my presence. I do not know how many copies were supplied to the Library by the Department concerned.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member ask for a copy in the Library ?

**Mr. B. Das** : There was only one copy in the Library, and it was taken away by another Member.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, want a copy and he was not given a copy ?

**Mr. B. Das** : Because there was no other copy available.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair has asked a specific question.

**Mr. B. Das** : The Librarian told Mr. Neogy in my presence that only one copy was available.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, ask for a copy in the Library and he was refused ?

**Mr. B. Das** : The only copy available was given to Mr. Neogy.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Did the Honourable Member, Mr. B. Das, want a copy, and it was not given to him ?

**Mr. B. Das** : Because there was no other copy available.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Was a copy of the Act refused to him ?

**Mr. B. Das** : The Librarian told Mr. Neogy in my presence that only one copy was available.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Therefore, the Honourable Member says that sufficient copies were not available.

**Mr. B. Das** : There was only one copy in the Library.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Is that correct ?

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : The Librarian told me when I went there for a copy that there was only one copy available.

**Mr. Amar Nath Dutt** : Sir, my copy was taken away by Mr. S. C. Mitra, and I was deprived of it.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair is told that the Legislative Assembly Department asked for a sufficient number of copies to be placed on the table, and the Legislative Department were not in a position to supply those copies.

**Mr. G. H. Spence** (Secretary, Legislative Department) : No such request was made to me. If any such request had been made to the Legislative Department, it is very improbable that it would not have come to my knowledge.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Here is the endorsement—"Copies of this Act have not been printed, and, therefore, these have not been received."



**Mr. G. H. Spence :** I do not know anything about the request for copies of this Act.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : We are referring to the Assam Act as passed by the Assam Legislative Council.

**Mr. G. H. Spence :** I take it that somebody from the Legislative Assembly Department approached somebody in the Legislative Department for copies and received the reply that you have read out, but the matter was not brought to my notice.

**Mr. K. C. Neogy :** Sir, may I make a correction ? What I find in my hand was given to me as a copy of the Assam Act, and it is merely a copy of the Bill. I do not know whether this represents the Act as finally passed.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The complaint is perfectly clear now. Let us hear what the Honourable the Home Member proposes to do in the light of the discussion that has taken place.

**The Honourable Sir Henry Craik :** Sir, I would like to point out that this Bill merely purports to amend only two sections. (Laughter from the Opposition Benches.)

**Mr. K. C. Neogy :** The Honourable Member should not stare at us like that. Why is the Honourable Member ruffled by the laughter ? This is not the Punjab Council.

**The Honourable Sir Henry Craik :** Sir, I was going to say that two sections only of the Assam Act are affected by this Bill, and those two sections are firstly section 15. Section 15 of the Assam Act is exactly the same as clause 2 of the Bill, except that there is only one change. In the Assam Act, the Code of Criminal Procedure is referred to as "the Code", and in this Bill it is referred to as "the Code of Criminal Procedure, 1898". That, I think, is the only difference. In fact, it merely re-enacts section 15. It is merely proposed to re-enact section 15 of the Assam Act in identical language. Then, the other section of the Assam Act affected is section 29 which dealt with two things. It ran as follows :

"No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith....."

There was no suggestion to amend it.....

**Mr. S. C. Mitra :** Sir, unless we know what is in the Act, how are we to judge of the provisions in the Supplementary Bill ?

**The Honourable Sir Henry Craik :** We are not proposing to amend it at all. The Bill has no effect on that at all,—and the section then goes on :

"and the powers conferred by section 491 of that Code shall not be exercised in respect of any person.....under this Act."

Now, Sir, clause 3 of the Bill.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Perhaps the Honourable Member will please resume his seat for the moment. The Chair does not think at this stage he need go into the explanation relating to the provisions of this Bill. What the Chair wants to know first is this. It is now clear that copies of the Assam Act are not available in the Library, and, therefore, are not available to Honourable Members. In view of that, the Honourable Member, Mr. Phookun, proposes that the consideration of

this motion should be postponed until the copies of the Assam Act are made available. The Chair wants to know from the Honourable the Home Member what he has to say on that point.

**The Honourable Sir Henry Craik :** I am quite prepared to meet the wishes of Honourable Members on that matter, but I hope that this measure can still be passed in this Session. The point is, I understand, that certain trials are going on under this Act in Assam, though none, so far as I am aware, have been concluded yet.....

**Mr. W. L. Scott** (Assam : Nominated Official) : 'Two, Sir.

**The Honourable Sir Henry Craik :** Until our Bill is passed, if any persons are convicted, they will have no right of appeal there. However, if we pass it this Session, it will be all right. Anyhow, if clause 4 is passed, the question of limitation will not arise.

**The Honourable Sir Joseph Bhore** (Leader of the House) : Sir, after consultation with my Honourable colleague, the Law Member, I am able to say that I think it will be possible to print the Assam Act and circulate it to Honourable Members at a very early date, and in that case we can take up the consideration of this measure perhaps on Monday.....

**Mr. Gaya Prasad Singh :** What about the fact.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Let the Honourable the Leader of the House finish what he has to say.

**The Honourable Sir Joseph Bhore :** I think a proposal like that should meet the wishes of the House, and if the Chair agrees, we shall get a fair number of copies printed, and circulate them as soon as possible.

**Mr. Gaya Prasad Singh :** What about the fact that even the debates in the Assam Legislative Council on the original Bill are not available in the Library of the House ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the debate has just been received, but that will not perhaps be a sufficient ground for asking a postponement of consideration of the Bill. The Chair thinks it will meet the general desire of the House if the consideration of this motion is postponed till Monday next. In the meantime, the Chair hopes steps will be taken to make available the Assam Act to Honourable Members.

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## THE INDIAN CARRIAGE BY AIR BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration.”

This Bill has emerged unscathed from the Select Committee and it is, therefore, unnecessary for my remarks on it to be anything but very brief. There are one or two points which have been raised with regard to it. The first was the representation of India at the Conference at Warsaw, the outcome of which is embodied in the Schedule attached to

[Sir Frank Noyce.]

the Bill. The meeting at Warsaw took place in 1929 at a time when civil aviation in India had not advanced to the degree that it has reached now. We were invited to send representatives to the Conference but it was thought sufficient to entrust Indian interests to the British representative. The House knows, as well as I do, the progress that we have made in respect of civil aviation in recent years, and I have no doubt whatever that, should a similar occasion arise and an International Conference in regard to the regulation of civil aviation be convened, India will have its own representative. That, Sir, deals with the first point. In the Select Committee certain doubts were expressed in regard to one clause of the Convention which is embodied in sub-clause (2) of article 20 of the First Schedule to the Bill. That sub-clause reads as follows :

“ In the carriage of goods and luggage the carrier is not liable if he proves that the damage was occasioned by negligent pilotage or negligence in the handling of the aircraft or in navigation and that, in all other respects, he and his agents have taken all necessary measures to avoid the damage.”

The point of my remarks will be seen when it is realised that under the terms of the Convention the carrier is not liable for damage to goods and luggage ; he is liable to damages for injury to passengers. As often happens, this sub-clause, in the form in which it emerged from the Convention, represents a compromise between two different points of view. The British point of view which was supported by the French representatives was that the carrier should not be responsible for any mistakes made by the pilot whether in regard to passengers or to luggage. That is the British point of view in regard to marine law, and the British representatives naturally wished the same principle adopted in respect of the law of aviation. I imagine that the British practice arose from the fact that British requirements in regard to the qualifications of ships' captains and similarly of air pilots, are so high that they did not consider it desirable to impose the further obligation on carriers that would follow if the sub-clause applied to both passengers and goods and luggage. Russia, on the other hand, which is not a maritime nation, pressed for the view that the liability should apply in respect of both passengers and goods and luggage. The sub-clause in the form in which it appears in the schedule is, as I have already said, a compromise which is as put forward by the German representatives. I hope, Sir, that sufficiently explains the point. It is quite obvious that at International Conferences there must be give and take, and that the countries which subscribe to the Convention have to adopt it as a whole whether they like all its detailed provisions or not. I think that is all I need say, and I commend the motion to the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration.”

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the unique feature about this Bill is that it has come out of the Select Committee with a unanimous verdict and without even the change of a comma, or semi-colon in it. It is a fact that the high contracting parties are very big nations and India too is roped with them and thus the Select Committee is no doubt to be congratulated at their

report. My idea is that the Members, who attended the Select Committee or who were members of the Select Committee, did not read the Bill beforehand or there was some mystery about it that no amendment is made. The personnel too is such that none of us here on this side of the House at least could ever think that there could be any likely change in the Bill, and our hopes have been realised to the full. The Bill has the hearty support of every one of us inasmuch as there are no great political or economical questions of importance to India involved in the Bill and I do not think that at present there are any Indian or Asiatic companies who are undertaking this great adventure. I hope that this Bill, when it is enacted, will be a great encouragement to Indians and that the Government will come forward to give all kinds of encouragement to Indians to undertake to form an aerial company. Sir, with these remarks I support the motion.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-madan) : Sir, this Bill seeks to implement certain rules and conventions which were adopted by the International Convention held at Warsaw in 1929. India was not represented at that conference, but those present adopted these rules and the Government of India think that they are quite suitable for our adoption. As a member of the Select Committee, I may say that on the whole the Bill is not open to any serious objection. It was pointed out to us that we must adopt the whole set of rules or we may not adopt them at all. There was no question of making any changes in the Bill, because that was the set of rules adopted by the International Convention. It was for that reason that we could not suggest any changes in the Bill. No changes are also necessary. There was only one point which I raised myself in the Select Committee and which has been referred to by my Honourable friend, Sir Frank Noyce, and that relates to Article 20 of this Bill, in which negligent pilotage or negligence in the handling of the aircraft or in navigation is being sought to be indemnified. This is a point which is open to objection because in the case of every public carrier, for instance, the railways, if there is negligent driving which results in damage to goods or injury to persons, then the man who suffers is entitled to get some sort of compensation and so on, but this particular sub clause seeks to prevent any person suffering damage either in limbs or property from getting compensation from a public carrier and is, therefore, open to objection ; but as it was clearly understood that England and other international powers have accepted it we must also accept it *in toto* or reject it *in toto*. It was on this that we accepted it. On the whole, after the explanation which has been given by my Honourable friend, I do not think any serious harm will be done if this clause is retained as it is. There is only one little point to which I should like to make a reference, and it is contained in clause 33 of the Bill which reads as follows :

“ Nothing contained in this Schedule shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this schedule.”

This also, as I pointed out, is open to some objection, because a public carrier should not be given the option of refusing to carry a person without assigning any reason, if he is prepared to pay the fare and so on. Under the Railway Act, for instance, the railways are not given power to refuse to carry a person who purchases a regular ticket and so on, but

[Mr. Gaya Prasad Singh.]

here power is sought to be given to air carrier to refuse to carry a person without assigning any reason. This is open to objections. I hope in practice it will not be necessary to exercise this power. But as I stated at the outset, we had to adopt the whole set of rules *in toto* or to reject them *in toto*. These two points, I admit, are not of very serious importance, and so the Select Committee thought it proper to adopt the whole set of rules. I am glad that the Government of India has after all decided to adopt the International Convention relating to this subject. India has been in its infancy, so far as this subject of aviation is concerned, and I think the Government of India will not lag behind in giving the proper impetus to the development of Civil Aviation and the training and appointment of Indians, so that in later times it may not be said that no suitable Indians are available to take up the important superior appointments in this new service. With these few words, I support the motion which is before the House.

**The Honourable Sir Frank Noyce :** I do not think that I have very much to say in regard to the point raised by my Honourable friend, Mr. Gaya Prasad Singh, whose keen interest in Civil Aviation is well-known to this House. I am not quite clear whether I understood him correctly in regard to the exact meaning of sub-clause (2) of Article 20. As I endeavoured to explain, this sub-clause only applies to goods and luggage and, if a passenger is injured, he is entitled to compensation.

**Mr. Gaya Prasad Singh :** I stand corrected to that extent.

**The Honourable Sir Frank Noyce :** It is a point of some importance and that is really the only reason why I have got up to speak. I have no doubt whatever that, when another International Conference comes to consider the working of the Warsaw Convention, all the points that have been mentioned will receive due consideration in the light of the experience of the working of the Convention in the interval.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to give effect in British India to a Convention for the unification of certain rules relating to international carriage by air, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The First Schedule and the Second Schedule were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce :** I move :

“ That the Bill, as reported by the Select Committee, be passed.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted. (Applause.)

## THE INDIAN AIRCRAFT BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I move :

“ That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as reported by the Select Committee, be taken into consideration.”

This Bill was not quite so fortunate in the Select Committee as the one in regard to which I have just made a motion, but as a matter of fact the changes made by the Select Committee were very few and unimportant or rather comparatively unimportant, having regard to the subject matter of the Bill and its importance in connection with the control of Civil Aviation in India generally. There were only three changes. Clause 5, as originally worded, empowered the Governor General in Council to make rules prohibiting or limiting the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft. The Select Committee felt that this was giving the Governor General in Council rather drastic powers and that it was advisable to omit the words “ prohibiting or limiting ”. That amendment the Government were very willing to accept as they felt that the power of regulation left in the clause should be sufficient for all practical purposes. Then, in clause 6, it was originally provided that the compensation could be determined by such officer as the Governor General in Council might appoint in this behalf. The Select Committee felt that it was desirable to make a provision that the determination of the amount of compensation might be left to Courts and they have, therefore, provided that it should be determined by such authority as the Governor General in Council might appoint. The Select Committee also felt that as the provisions of this Bill deal with a comparatively new and rapidly developing branch of activity, it was desirable that any rules which it is proposed to make should be given wide publicity and that ample notice should, therefore, be given in order to enable criticisms to be submitted and duly considered. They, therefore, inserted in the Bill a provision requiring that the period for which draft rules should be published before being taken into consideration in accordance with the procedure set forth in the General Clauses Act should not be less than three months. Those, Sir, are the changes which were made by the Select Committee, and, as I have said, they cannot be called extensive. There was, however, one point raised in the Select Committee on which I promised to make a statement to this House when moving this motion. The Select Committee naturally wanted to know exactly what the position of Indian States was, *vis-a-vis* the Government of India, in regard to the control of Civil Aviation. I am glad to have this opportunity of explaining that position, and, it is especially desirable that I should do so, in view of the fact that the settlement of the exact relationship took a very long time to effect, and that it was really because it took such a long time that it was not possible to place this Bill before the House at an earlier stage. The problem was considered by the Standing Committee of the Chamber of Princes for no less than eight years—from 1923 to 1931—in consultation with representatives of the Government of India. At long last, a summary of principles was evolved and was formally adopted at a meeting of the Chamber of Princes in March, 1931. It was only after that, that we were able to get on with the formulation of this measure. The main principles adopted by the Chamber of Princes were these. The Princes were recognized to have sovereignty over the Air in their States, in the same measure

[Sir Frank Noyce.]

as their sovereignty over the territory of their States is recognized. The Princes recognized that the International Convention for the Regulation of Air Navigation, 1919, was signed on behalf of India as a whole. They recognized that the Government of India have the responsibility of implementing this Convention for the whole of India, British India and the States alike. In order to secure compliance with the International Convention, the States agreed that aircraft should be registered and certified and provided with log books, and aircraft personnel licensed by arrangement with the Government of India. They also agreed to the investigation of accidents and the inspection of aerodromes and aircraft factories in State territory by representatives of the Government of India. It was agreed that the States were entitled to declare prohibited areas in their territory after consultation with the Government of India. They may also, in order to safeguard their fiscal rights, establish customs aerodromes in their territory. Finally, every State has the right to reserve to its national aircraft the carriage of persons and goods for hire between two points in its territory. In accordance with these principles, a working arrangement was made with the Jodhpur Durbar in November, 1931. This arrangement has been found a suitable model and has been adopted by other States which have since become concerned with aviation in their territories. The essence of the arrangement is that, in all matters of routine, including the registration and certification of aircraft and the licensing of personnel, correspondence is carried on directly with the Director of Civil Aviation as if the aircraft and personnel concerned were located in British India. On all technical matters, the appropriate authorities in the States communicate directly with the Director of Civil Aviation. On all matters of policy or principle, communication passes through the normal channel—the Agent to the Governor General or the Resident and the Foreign and Political Department of the Government of India. Sir, I trust I have said enough to convince the House that our relations with the States in this matter have been placed on a very sound and satisfactory basis, and that the States have shown a very gratifying willingness to co-operate with the Government of India in all respects. I think that is all I need say in support of this motion, and I would commend this Bill to the favourable consideration of the House. I should like to add that although the changes made by the Select Committee have been very few, the Select Committee took a very great deal of trouble over the Bill and spent a whole afternoon in examining its provisions very carefully.

Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as reported by the Select Committee, be taken into consideration.”

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, this Bill has been conceived on right lines. In 1919, there was an International Convention for the regulation of aerial navigation to which India was a signatory, and this Bill is intended to give effect to the conclusions arrived at at that Conference. So I have nothing very important to say on this Bill except on one or two points which I should mention presently. Reference has already been made by my Honourable friend, Sir Frank Noyce, to clause 5, a few words of which were deleted

by the Select Committee. But even as the clause stands at present, I think it is open to a certain objection. The clause reads as follows :

“ The Governor General in Council may, by notification in the Gazette of India, make rules regulating the manufacture, possession, use, operation, sale, import or export of any aircraft or class of aircraft.”

This gives too wide a power to the Governor General in Council ; but we did not carry our opposition to the point of recording a minute of dissent in the Select Committee, on the clear understanding that the Governor General in Council would certainly exercise his discretion in the proper manner, especially in view of the fact that aerial navigation is in its infancy in this country and requires encouragement ; but I personally should have thought that the powers which this Bill seeks to confer on the Governor General in Council should have been curtailed a little more if possible. Then, Sir, I come to clause 6 of the Bill, which also purports to give great powers to the Governor General in Council. I will read out the relevant portion of this clause :

“ If the Governor General in Council is of opinion that in the interests of the public safety or tranquillity the issue of all or any of the following orders is expedient, he may, by notification in the Gazette of India,”

do certain things, and these certain things comprise the cancellation or suspension of licenses or certificates issued under this Act ; he may prohibit or regulate the flight of all or any aircraft or class of aircraft over the whole or any portion of British India ; he may also prohibit, either absolutely or conditionally, or regulate the erection, maintenance or use of any aerodrome, aircraft factory, flying-school or club, etc. ; he may also direct that any aircraft or class of aircraft or any aerodrome, aircraft factory, flying-school or club, etc., together with any machinery, plant, material or things used for the operation, manufacture, repair or maintenance of aircraft shall be delivered, either forthwith or within a specified time, to such authority and in such manner as he may specify in the order, to be at the disposal of His Majesty for the public service. I could understand such wide powers being taken by the Governor General in Council during times of war, or certain grave emergencies, but the Bill is not intended to limit the operation of this clause to that contingency. It only says that if in the interests of public safety or tranquillity it was necessary, the Governor General in Council may exercise all these powers. Sir, we can say from our own experience in the past that wide powers, which have been granted by law to executive officials, have been often misused. Now, for instance, I will mention the case of section 144 of the Criminal Procedure Code. This section was intended to be applied in particular circumstances, but it has within the last few years been misapplied to cases to which it was never intended to apply, in checking, for instance, certain acts connected with the Non-Co-operation Movement, and so on. I am, therefore, of opinion that even as this clause stands it gives the Governor General in Council very extensive powers, inasmuch as in the interests of public safety or tranquillity he is authorised to give all or any of the directions which I have already mentioned. Personally, I would have wished that these powers should have been curtailed or the wording was changed suitably to indicate that these powers, or such of them as may be necessary, to be exercised would be exercised only during the time of war or grave emergency. Then, Sir, there is



[Mr. Gaya Prasad Singh.]

clause 14 of the Bill to which I should like to refer for a minute. This clause says :

“ Any power to make rules conferred by this Act is subject to the condition of the rules being made after previous publication for a period of not less than three months.”

The Select Committee added the period of three months. But, even  
 1 P.M. as it is, there is no provision in this clause to indicate how public opinion is to be elicited. I would have been glad if in this clause, or somewhere else, some definite provision had been made asking the public to send in their views which would be considered by the Governor General in Council. This is, after all, a minor point, but the other points which I have mentioned are of some substance. As, however, no one has tabled an amendment on this point, and as the report of the Select Committee has been an agreed one to which I was a party, I did not think it proper to give any notice of any amendment, but I hope that in actual practice the apprehensions, to which I have given expression on the floor of the House just now, will not be realized and the law will be operated in the best manner possible so as to be conducive to the expansion of Civil Aviation in the country. With these few words I support the motion.

**The Honourable Sir Frank Noyce :** Sir, I am very glad indeed that my motion has received, if not a satisfactory measure of vocal support, a satisfactory measure of implicit support from the House. Mr. Gaya Prasad Singh has objected that the powers, conferred under this Bill, are very wide, but he has not carried his objections sufficiently far to propose amendments. I am glad that he has sufficient trust in myself and in my Department to believe that we shall endeavour to work the rules with as little friction and harassment as possible. As regards his remarks on clause 6, I would point out that this clause only applies in times of trouble and that there are ever more extensive powers in the existing Act. Mr. Gaya Prasad Singh has expressed the hope that we shall go ahead with Civil Aviation and do all we can to foster it. I am very glad indeed that he has given me an opportunity of doing what this House so often asks the Members on these Benches to do and that is to take it into their confidence. We have, for some time past, had under our consideration extensive proposals for capital expenditure on Civil Aviation. We hope before long to place before the Standing Finance Committee proposals which I trust will not frighten them for very substantial expenditure on the improvement of our principal routes. We hope, in the first instance, to take up the trans-India route, and the Karachi-Bombay-Madras-Colombo route. On those routes, our programme is to consolidate runways on important aerodromes, to enlarge and generally improve the aerodromes, to provide additional hangars and additional emergency landing grounds, and to floodlight the Karachi-Calcutta section, a point to which my Honourable friend attaches considerable importance and on which he has raised questions in this House from time to time. We also hope to provide observatory buildings and quarters for meteorologists.

**Mr. Gaya Prasad Singh :** What about the training of Indians on these lines ?

**The Honourable Sir Frank Noyce :** I should like to finish what I have to say on this subject before passing on to the point my Honourable friend has just raised. As I have said, the two main routes will be taken

up in the first instance, and when we have finished with them, we shall go on to the Bombay-Calcutta, Calcutta-Madras and Karachi-Lahore routes. These proposals are now being worked out, and, I hope, that we shall be in a position to place a skeleton programme before the Standing Finance Committee before the close of this Session. If the Standing Finance Committee agree to our going ahead with this capital expenditure and also if this House approves, we shall go forward as rapidly as we can.

My Honourable friend, Mr. Gaya Prasad Singh, has raised the question of the training of Indians. I think he knows, as well as I do, that I have explained very frequently in this House, that we do all we can to train Indians in every possible way, for all possible openings, in the Civil Aviation Department and we shall go on doing so. I cannot repeat off-hand exactly what we have done or are doing, but my Honourable friend knows, that we are doing our best and I shall be very glad to give him any information on the subject that he may require.

**Mr. Gaya Prasad Singh :** Can a statement, as was called for in the Select Committee, be published, showing the progress of Indianisation in this particular department? I think my friend, Mr. Tymms, at that time undertook to do so. It may be done at a later stage but a full statement as to how Indianisation is progressing in this branch would be very welcome to Honourable Members of this House.

**The Honourable Sir Frank Noyce :** I shall be very glad indeed to attach a statement of that character to the memorandum that we hope in due course to be placing before the Select Committee. I would once again thank the House. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is -

"That the Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 20 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce :** Sir, I move :

"That the Bill, as reported by the Select Committee, be passed."

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved.

"That the Bill, as reported by the Select Committee, be passed."

**Sir Leslie Hudson** (Bombay : European) : Sir, not only the House, but the country at large, will have heard with great satisfaction the news which the Honourable the Member for Industries and Labour has given us this morning, that there is the intention of providing a large scheme for the improvement of aviation requirements in this country. We have been told that India is as suitable for aviation as, say, America or Canada, and we all hope that aviation will increase far quicker after the provision of these amenities to which the Honourable Sir Frank Noyce referred. There are at the present time only four or five companies operating in aviation in India and there is plenty of room for more. My Honourable friend, Mr. James, who has just come back from America, tells us that there is an hourly service between Chicago and New York, an hourly

[Sir Leslie Hudson.]

plane service between these two big cities. We can hardly hope for an hourly service between Bombay and Calcutta in the near future.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : We will welcome it.

**Sir Leslie Hudson** : But I think we can hope at any rate for a daily mail service between the great cities in India. (Hear, hear.)

I think the chief reason why expansion in commercial aviation has been slower than it has been in other parts of the Empire is due to two causes. The first is the inability of the commercial aviation firms and the Government to agree on terms for the carriage of mails, such carriage being necessary for the success of any service of that sort, and the second is lack of up-to-date and altogether adequate ground facilities. In order to effect an increase in aviation generally and, more particularly, commercial aviation, the first absolute necessity is the provision for full facilities for night flying over the main routes. I am not here to detain the House by going into details of the particular routes, but there is no doubt that provision for night flying, at the earliest possible moment, is a great desideratum. Increased speed and saving of time can only be obtained by further provisions of ground services, flood-lighting and so forth and adequate provisions for safety which must go hand in hand with progress in the other branches. The ground organisation requires to be developed to the full by the provision of wireless stations as well as the flood-lights emergency landing grounds and so forth. Sir, I support the motion for passing the Bill into law.

**Mr. Gaya Prasad Singh** : Sir, I join Honourable friend, Sir Leslie Hudson, in congratulating my Honourable friend, Sir Frank Noyce, for the proposals which he has adumbrated and which will be shortly placed before the Standing Finance Committee in connection with the development of civil aviation. In this connection, I should welcome the formation of as many public air-carriers as practicable, aviation companies and so on ; but there is one point which should not be lost sight of, and it was a point which was specifically laid down by this House in earlier years, namely, that in the formation of these companies, care must be taken to limit them only to those who are nationals of this country, and that the capital which they subscribe must be rupee capital, with a majority of Indian Directors. That is a point on which we lay special emphasis. That is a point which, if I remember aright, was also emphasised by the predecessor of the present Member in charge of the Department of Industries and Labour, I mean Sir B. N. Mitra. Therefore, I would urge that all encouragement should be given to the formation of these companies with this reservation and stipulation which we have mentioned. We are all grateful to this department for what is being done in the way of encouraging civil aviation, but I must again point out that the position of Indians must be carefully safeguarded in this branch of national activity. I hope that my Honourable friend will spare no pains in practically carrying out all that he has said on the floor of the House this morning.

**The Honourable Sir Frank Noyce** : Sir, there is just one point made by my Honourable friend who has just spoken, to which I should like to refer. I have just got a statement of what my department has done and is doing about the training of Indians and have been informed that this statement was given to the Standing Finance Committee in ac-

cordance with a promise made to my Honourable friend himself at its meeting three weeks ago. This will be printed up in the proceedings of the Standing Finance Committee, and, I will also take care to have a copy of it sent to him at once so that he may satisfy himself on the question. As regards his further point about the formation of public companies in connection with civil aviation, that of course is a point which will be borne in mind. I would only remind the House that the Indian National Airways Company which is working in very close co-operation with Government fulfils the conditions which he has laid down.

**Mr. Gaya Prasad Singh :** They are doing very well indeed.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted.

The Assembly then adjourned for Lunch till Thirty-Five Minutes Past Two of the Clock.

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The Assembly re-assembled after Lunch at Thirty-Five Minutes Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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#### THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I beg to move :

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be taken into consideration.”

Perhaps I might say a very few words in regard to the alterations which have been made by the Select Committee. Those in clause 4 and clause 9 are simple and self-explanatory alterations reducing the amount which may be recovered by way of penalty, and they are not very important. The definition has been amended in order to exclude spark producing toys used by children. The Committee satisfied itself that the definition was not wide enough to include some of the simple implements used by aboriginal tribes for producing ignition. The main alteration in the Bill is the reduction of the excise duty and of course the additional customs duty by eight annas. The view was expressed in the Committee that Re. one would be sufficient. The view taken by the Official Members of the Committee was that Rs. two was the proper figure. The Committee was very much divided but the majority was in favour of maintaining the original figure of Rs. two ; in order, therefore, to produce a unanimous report on this subject, Government offered to reduce the duty to Rs. 1-8-0. I am not very comfortable over this. It is quite clear that at Rs. two the excise duty would be sufficient to ensure the purpose which we have in view, which was to protect the indigenous match industry and the revenue from the match excise, but we are taking a certain risk in proceeding on the basis of a duty of Rs. 1-8-0. However, Government are prepared to take the risk, but of course, if the duty proves to be insufficient to secure the object in view, we shall have to come back to the Assembly, on a later occasion, to raise it. I do not think, Sir, at this stage I need say anything more. There are one or two amendments down and I have no doubt it

[Sir James Grigg.]

may be necessary to say something on those specific amendments. At the moment I only move that the Bill be taken into consideration.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That The Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be taken into consideration.”

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, I was one of the members of the Select Committee, and I thought it desirable that I should rise a little early in this debate and speak out the point of view which I have expressed in the Select Committee and in which the majority of the Members of that Select Committee could not see eye to eye with me. Before dealing with that point I should like to make one general observation. The Government of India, with the consent of this House, imposed an excise duty upon matches. They have also imposed an excise duty on sugar ; and at the present moment the Select Committee on the Steel Bill are considering whether an excise duty should be imposed upon steel. But in all these cases the duty of an excise has taken the shape of a duty on production. I do not know whether in pursuance of this policy of imposing duties on production and in view of the great increase of population in this country, as disclosed in the last census report, the Government of India are considering the desirability of imposing an excise duty upon the production of children ! But, Sir, in all those cases while Government were pursuing a policy of imposing an excise duty upon production, in this particular case I find that it is not exactly a case of imposing a duty upon production. This Bill has taken the shape of a birth control, because there is no such industry as a mechanical lighters industry in this country as yet. I am a conscientious objector to birth control, and I do believe that in this point of view the principle at any rate will be accepted by my Honourable friend, Raja Bahadur Krishnamachariar, representing the Sanatanists and my Honourable friend, Dr. DeSouza, representing the Catholic community in the country. But, unfortunately, both of them are absent from their seats now. Sir, I say that it is rather remarkable that we should be called upon to impose a duty before the industry has established itself, and, therefore, I expressed this opinion which Honourable Members might not have noticed as it was printed on the other side of the page. It runs as follows :

“ I am of opinion that as there is as yet no established indigenous industry in the manufacture of mechanical lighters, it would be sufficient if this legislation were to be permissive. To bring this legislation into immediate operation, before the industry is able to establish itself in the country, is I consider premature. The duty on imported lighters is sufficient for the present to protect the match interests and the Government revenue.”

To this point of view the majority of the Members of the Select Committee did not express any reasons why they could not accept it, but they merely stated that they could not accept it. I daresay, some of them will give reasons why we should not adopt it as a permissive measure ; not because there is any virtue in this measure being permissive that I recommended it, but I recommended it for the reason that the Legislative Assembly, in sending this Bill to the Select Committee, did accept the principle of imposing an excise duty. Subject to that principle it was not open to me in the Select Committee to ask for no excise duty at all. While my view so far as this excise duty is concerned is that it should not be imposed for the simple reason that there is no such industry as yet estab-

lished in this country, I took the other alternative available to me, namely, that it should be at least a permissive measure. That is to say, we pass the Act, but give the Governor General the power to bring it only into operation by a subsequent notification, if necessary. That is to say again, the Governor General will have power, under the provisions of this Act which you now may pass, by which he can at any time bring into operation the provisions of this Act should conditions arise to justify that course. By postponing the operation now he would give a reasonable time for an industry to establish itself and when that industry grows into a menace he will exercise the powers vested under these provisions. For these reasons I thought that it would be more reasonable if this Bill were to be merely permissive, giving the necessary power to the Governor General in Council to bring it into operation at such time as he may deem fit if he were to find that by that time the industry had established itself and has produced enough lighters in order to constitute a menace to either the revenue of the Government or to the match industry itself.

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, at the outset I may say that I have no difference of opinion with that expressed by the Honourable the Finance Member as to the object of the Bill as stated by him on the 19th July, 1934. With your permission I may read a small passage from his speech : he said :

“ It is to protect the revenue from the excise on matches and it is also to protect the indigenous match manufacturing industry from the abnormal development of the use of mechanical lighters which would otherwise result from the imposition of an excise duty on matches.”

For myself I wish to see the expected revenue from matches fully protected, as on the realisation of that revenue depends the refund of a portion of the jute duty to the Government of the Province to which I have the honour to belong, and I may frankly say that I quite agree with the Honourable the Finance Member's statement where he desired to protect the indigenous match manufacturing industries from the abnormal development of the use of mechanical lighters. I would request the House specially to mark the words of the Finance Member “ abnormal development of the use of mechanical lighters ”. As far as I am aware this House is at one with him and this House would have no objection to adopt methods by which the development of abnormal use of mechanical lighters may be stopped. At the earlier stages of the Bill when Government accepted my motion for circulation of the Bill, I think I made my position clear. As far as I think the method required for the stoppage of the development of the use, and not manufacture, is to stop the importation of the article. But I for one cannot understand how the present Government, which claims to be a civilised Government before the international world, can with equanimity bring forward the suggestion of an excise duty on an article, which, according to the very objects and reasons of the Bill, is not manufactured in India at the present moment. I wonder how the Government can, without a blush, bring forward the suggestion of an excise duty for an industry not yet in existence in India but which may be hoped to come into being at some future date. It sounds as paradoxical as to pass a judgment of internment on a man who is yet to be born, or the passing of a judgment of hanging or heavy fine on a person yet to see the light of day. But that is not all. We are also asked to be a party to such a novel idea which would appear to be most stupid to any man in the whole world having a grain of common sense. At the time when I made the motion for circulation, I expected that strong objection would be

[Mr. Bhuput Sing.]

taken by most of the parties consulted to that part of the Bill which related to excise, and I will presently show from the opinions received that my expectations have been realised. The Honourable the Finance Member the other day, in moving the motion for reference of the Bill to Select Committee, termed the Bill to be a simple measure. I do not think it is so simple as it has been pictured. This House is being asked to put its foot into a trap, probably unknowingly or unconscientiously. This House is being asked to be a party for creating a very dangerous precedent, that is, to pass a legislation on future industries not yet born. Here I challenge the Finance Member about his statement which he made the other day about his universal experience in other countries about the imposition of excise duty on mechanical lighters. I would request him to prove that such an excise was levied in those countries before the industry for the production of mechanical lighters was established in such countries. I would ask him to give one example of any civilised Government, worth the name, where such an excise duty was imposed where there was no industry of mechanical lighters already in existence. I pause here for a reply from him. But no reply is forthcoming. (Laughter.)

**An Honourable Member :** The pause was not sufficient !

**Mr. Bhuput Sing :** As I said before, if this House agrees to this Bill being passed into law in its present form, it will be creating a very dangerous precedent and who knows that such a procedure would not be adopted in future for checking the birth of any new industry in the country. I may state here, in the very words of the Finance Member, that it is a matter of practically universal experience that an excise duty is never levied, by any independent country, on any of its industries, except on very rare occasions for raising revenue in very difficult times, provided always that such a duty does not kill the industry.

Now, I come to the opinions received, and I am glad to note that most of the opinions support my view that the proposal of an excise duty is altogether unnecessary as there is no concern in India at the present moment producing mechanical lighters. I may inform the House that if we analyse the opinions we find the following results. In Paper No. 1 there are altogether 51 different opinions received, of which 12 are from non-official bodies. Out of these 12, two are from non-commercial bodies and ten are from commercial bodies and Chambers of Commerce in different parts of India. Of the two non-commercial bodies one is strongly opposed and the other one, of which my friend, Sir Henry Gidney is the representative, has given their support to the excise duty. Of the ten commercial bodies, six are strongly opposed to the excise duty and two are neutral and the remaining two support the principle of an excise duty. Out of the 39 officials, who should have dittoed their master's view, there are as many as 12 Government officials, including some Directors of Industries, who have condemned the principle of excise duty on an industry not yet born. With your permission, Sir, I shall read a few of them. The Commissioner, Assam Valley Division, says :

“ My personal opinion is that the danger of a flood of mechanical lighters has been greatly exaggerated, and that there is no necessity for such a Bill. I regard the rate of duty proposed as exorbitant.”

**Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) :** The rate of duty has been reduced.

**Mr. Bhuput Sing :** Exorbitant does not mean that the reduction of eight annas from Rupees two is sufficient. Then the Deputy Commissioner, Bhandara, says :

“.....Further it would be a tyrannous interference with trade to prohibit the manufacture or import of mechanical lighters in the manner and for the purpose contemplated in the Bill. I consider the Bill should be abandoned.”

Then I read the opinion of the Director of Industries, Punjab. He gives the opinion of the President, Simla Trades' Association, and of the Honorary Secretary, Indian Chamber of Commerce, Lahore. Both are against the Bill. The President of the Simla Trades' Association says this :

“.....The Bill is uncalled for in that the industry has not yet developed in India and a verdict of the kind proposed should not be passed.”

The Honorary Secretary, Indian Chamber of Commerce, Lahore, says this :

“It is added that mechanical lighters making industry is not yet in existence in India, and the imposition of high duty in anticipation of its establishment is most objectionable. No case has been made out for killing the industry before it is started.”

Then he gives his own opinion. This is what he says :

“In my opinion, the proposed measure would not affect an existing established industry, but it is bound to prejudice the starting of a new one for the manufacture of mechanical lighters.”

Sir, out of the remaining 27 officials, as many as 18 are neutral and have no remarks to offer. In Paper No. II there are two opinions, and both are strongly opposed to the Bill.

In Paper No. III, there are 46 opinions out of which four are from commercial bodies and the rest from officials. Of the four received from commercial bodies, one is from the Indian Merchant Chamber, Bombay, which is also strongly opposed, and with your permission, Sir, I shall read a few sentences from it. This is what they say :

“They feel that there is no justification for the imposition and collection of an excise duty on Mechanical Lighters. Even on Government's own admission, there is not as yet in the country any established industry for the manufacture of these lighters. There is therefore no justification for presuming that Government revenue will be affected by the establishment of such an industry and for forestalling the same by the imposition of any excise duty. My Committee are also opposed to excise duty on principle, as they consider it detrimental to industries. The proposed legislation, if accepted, will prevent the initiation and development of this industry. My committee are, therefore, strongly opposed to the proposal for the excise duty.”

Then it goes on to say this :

“My Committee are, therefore, of opinion that Government should confine themselves, for the present, to the proposal for an import duty and abandon the proposal for an excise duty.”

One is neutral and one has given a conditional support. The only one amongst the commercial bodies which has given unconditional support to the Bill is the Chamber of Commerce, Bombay, consisting entirely of European members.

Sir, it appears to me all the more strange that out of the 42 opinions received from officials who are all Government officers not less than 15 have given their opinion against the views of their own masters, the Government of India, to whom they have to look up for their future



[Mr. Bhuput Sing.]

prosperity. Sir, they went against the Bill, as conscientiously they believed that the proposed excise duty on a future industry, which may come into being in India, is altogether absurd and untenable. If one goes through the opinions carefully, he will find that in most of the cases where even a favourable opinion has been expressed, it has been so expressed that a duty proposed in the Bill is necessary for checking the development of the use of mechanical lighters. In most cases they have not understood the actual principle of the Bill as in almost all such cases they have overlooked the fact that the development of the use of mechanical lighters in India, at the present moment, may be checked by the levy of an excise duty on an article which is not at all manufactured in this country. Now, the next argument by Government that has been adduced is that the industry for the manufacture of mechanical lighters may immediately be developed in the country. Sir, to think that India, which could not develop the industries for the manufacture of her necessities even after 250 years of British rule, would develop an industry for these lighters which are nothing but luxuries immediately, can only be believed by men of no common sense. The development of such an industry requires the importation of necessary machinery, and the necessary production of raw materials. It will further require skilled labour and trained technical experts. Is it so easy to get together all these things in the twinkling of an eye? Is it an Alibaba's "Open Sesame"?

Lastly, Sir, before I conclude, I would request the Government to wait and see at least the establishment of one such concern in this line of industry in India, and if and when such an industry is established, Government will be in a better position to fix the excise duty on the basis of the data that would be available about the cost of production of such a lighter. I am asking the Government only not to put the cart before the horse. I do not even for a moment disagree with Government that an excise duty would not be required if and when such industries are established, but, at the same time, what I protest against is the Government's policy in not allowing India to develop such an industry.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I believe the principle of the Bill is to impose and collect an excise duty on mechanical lighters, and when this Bill was committed to the Select Committee, I believe that principle was accepted, and, therefore, I think it will be quite irrelevant now to quote opinions from several bodies to the effect that an excise duty should not be imposed.

Now, Sir, coming to the Bill itself, I do realise,—and I am very strong on that point,—that the industries of India should be protected, and that their development should not be hampered in the least degree. With that end in view, I did my utmost in the Select Committee to see that this industry, which is not yet in existence now, but which may be likely to come into existence soon,—I wish it came into existence very soon,—should not be affected in a manner that its growth and development may be impeded. Sir, I lent my support in the Select Committee to the conclusion which the Committee came to in the matter. When this Bill was sent to the Select Committee, I submit, certain objections were raised, and I was very keen to see that those objections were fully met. On that point the first question raised in the House was

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with regard to the definition of mechanical lighters. It was urged in the House that the definition was too wide, that it might include such articles which should not properly come under the definition of mechanical lighters. It was apprehended that coils producing spark, which children generally use for play, might come under this definition. It was also feared,—and the Honourable Mr. Jadhav referred to it,—that even stones, which give fire when they are brought in contact with another article, might come under this Bill. Then our attention was also called to a kind of rope, which is generally hung in Calcutta and other places outside shops which sell cigarettes, and which generally ignite, so that any passer by might light his cigarette in front of these shops. All these points were placed before the Select Committee, and they came to the conclusion that it was not proposed to include all these things in the definitions. With that view the Select Committee amended the definition, and this is what they say :

“ We are satisfied that the terms of the definition as now amended exclude the separate stone and steel employed by aboriginal tribes for the purpose of producing ignition, and exclude also such contrivances as the ropes of cocoanut or other fibre which when themselves ignited are employed in some parts of India for conveying a means of ignition from one place to another or for maintaining a temporary source of ignition.”

I know, that the question of principle was very vehemently and hotly discussed in the House but so far as objections were concerned, they were not lost sight of in the Select Committee.

Then, Sir, the second question raised by my friend, Mr. Raju, is that the duty should not be fixed now, that Government should have waited till this industry came into operation and that when this industry developed, only then it should be imposed. That means in other words it should be a permissible measure. The idea was to see that the revenue from the match industry was not in any way affected, and the Government apprehended that there might be a great flow of a small number of concerns manufacturing these mechanical lighters and it would be wrong on their part if no forewarning was given. We were also anxious to see that the duty should not be such that it should affect the development of the mechanical lighter industry. What happens in these small industries is this, that when a man begins an industry, other people like sheep follow him and start a number of similar concerns, with the result that the whole industry is destroyed. Therefore, this is a caution against such a contingency, and, from that point of view, I agree to the imposition of the excise duty. But there was great contest with regard to the amount of the duty. Some Members were of opinion that it should be less than the match excise duty, because the match industry is already established whereas this is a new industry which has yet to come to this country. With that idea we tried to reduce it to one rupee. There was a division, and there were seven Members on one side and six on the other, and it was lost by a majority of one vote. Though we lost it, I am glad to say that the Honourable the Finance Member then came forward, and there was a mutual understanding to make it Rs. 1-8-0 and it was unanimously agreed to. If this duty is considered oppressive or affects the industry adversely, then I submit it will be left to the House to reduce it or to bring it to the notice of the Government, and, I am sure, the Honourable the Finance Member, if he is there, will certainly consider it, because he knows that we are absolutely against putting a heavy excise duty on the industry.

[Mr. Lalchand Navalrai.]

Therefore, I submit that this Bill, as it has emerged from the Select Committee, is such that it should be accepted. Coming to the question—I find my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, laughing at something. I do not know if he laughs at this.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadian Urban) : I was not listening to the Honourable Member at all I am afraid.

**Mr. Lalchand Navalrai** : I never thought that Honourable Members do not listen. I always think that Honourable Members listen to what an Honourable Member says in this House, whether the ideas expressed by him do or do not meet with their views ; listening is very necessary in the House.

Then, there was another question, very small though, about the penalty in case the duty is not paid. Four times the duty was provided in the original Bill and it was reduced with the consent of the Honourable the Finance Member to three times. I find the Bill as it has emerged from the Select Committee is not objectionable. The principle having been accepted, we had to see whether the duty should be one rupee or Rs. 1-8-0 or even less and that is an open question. I support the motion that the Bill be taken into consideration.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : During my last five years experience of the Assembly, I have been noticing that the Government of India have been suffering from periodical fits. When I first arrived in this House, I found that they were suffering from the fit of Imperial Preference, and the result was that some of the most distinguished Members had to resign their seats on the Assembly as they could not stand the fit. When the scene changed and the new Assembly was formed, a new fit arose, and that was the fit of retrenchment and we have had a good deal of experience of this new fit. We discussed several cases this morning, and probably we will discuss many more later on. This fit continued for over two years, and I am not sure whether the Government of India have quite overcome this fit of retrenchment ; at least in certain departments it is still continuing.

**An Honourable Member** : There has been a relapse.

**Dr. Ziauddin Ahmad** : Now, this year, the Government began to suffer from a new fit, and it is the fit of excise duty. We first noticed that when an excise duty was proposed to be levied on sugar, it was pleaded that the duty was levied merely to correct a mistake that was committed in 1931 in increasing the duties by 25 per cent. throughout. It was said that the mistake committed then should be rectified by putting an excise duty on sugar. We noticed the fit again on the occasion of the match excise duty. Then there is an excise duty on steel ingots which are really the prime product of the whole steel industry. This is due to the fact that they want a certain amount of revenue and they said, " let us put a duty all round, let us put some excise duty and let us put some revenue duty so that the two things may balance each other ". So far, the action of the Government was to a certain extent reasonable, but when in the fit they lose their conscience, then their

actions, as Dr. Dalal would say, cannot be justified. They can levy a duty on articles which exist, but now they go a step further in their fit and levy a duty on articles which do not exist, on hypothetical articles. The Government argues in their hysteria that some factories may possibly be established in India, in this century or in the next, and it is useful to keep an Act ready for future exigency. I have said before that in this fit the Government have lost their senses and they are now going to levy a duty on an imaginary article which may or may not come into existence at all. When we ask questions, the Members on the Treasury Benches often rebut in their replies, "this is a hypothetical question and we are not bound to answer". We have been accustomed to hear this reply. Now, here we are going to levy a duty on a hypothetical article, which does not exist in this country, and we on this side of the House reply the Government in their own coin, and say that we are not bound to consider a question of levying duty on a hypothetical commodity, which does not exist in this country. The other day I was reading a pamphlet discussing whether the meat of *Buraq*, which is an animal, that will wait on our graves on the day of resurrection to take us to paradise, is lawful or unlawful to eat.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : Take you or take us also ?

**Dr. Ziauddin Ahmad** : We will not discuss that point. The present company is excepted. The whole discussion in this pamphlet related to the question—*buraq ka gost halal hai ya haram*. The whole question was whether it is lawful or unlawful for a pious Muslim to eat the meat of *buraq* and there were all kinds of arguments. The discussion on this Bill is practically of the same type—whether it is lawful to levy a duty on this industry which does not exist. The discussion here is practically equivalent to the discussion in this particular pamphlet. I, therefore, see no justification to introduce this particular excise duty here. It is argued that it did not matter very much if the duty is levied. No harm will be done to any person. But, Sir, the principle underlying this Bill is very harmful, and in this connection I will just relate a story. The fowl of a person died in his house, and he began to cry and weep. Then the neighbours came and asked him what happened. The man said that his fowl died. Then the neighbours said, why are you crying. It costs only eight annas and we will give you a rupee. He said, the death of the fowl did not matter, but what matters is that the angel Izrael, the angel of death has seen the house ; today it is fowl tomorrow it may be any inmate of the house. Today they are taxing this commodity. Tomorrow it may be some other industry. We are not so much afraid of this particular industry. My friend, the Finance Member, and his staunch supporter, the Commerce Member, have both taken upon themselves to levy all sorts of taxes upon the consumers of this country. We do not know on what industry the tax will be levied tomorrow. If an industry was in a flourishing condition, I could have understood, but by no stretch of imagination can you levy a duty on an article which has not come into existence. It is really the surest way of killing an industry before it is born. If this principle is adopted, then I am afraid the industries of this country will enormously suffer.

**Bhai Parma Nand** (Ambala Division : Non-Muhammadan) : You were in favour of the excise duty on sugar. It was an infant industry ?

**Dr. Ziauddin Ahmad :** Certainly—and there were good reasons for it. Those people who opposed it did so for entirely personal reasons. My misfortune is that I am neither influenced, by propaganda nor by selfish arguments. We did give sugar the same protection which the Tariff Board recommended. What we did was to rectify the mistake which the Legislature made in 1931. Here you are levying a duty on an article which does not exist, an article which may or may not come into existence in the future. That is the important point, and here I say that the angel of death has seen the house and we do not know what may happen.

**Major Nawab Ahmad Nawaz Khan** (Nominated Non-Official) : This is not the first visit. You are accustomed to such visits for many long years.

**Dr. Ziauddin Ahmad :** That may be my friend's experience but it is not my experience.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : I rise to support the motion of my friend, the Honourable the Finance Member. In the first place, I should say that the title of this Bill is improper. It is to provide for the imposition and collection of an excise duty on mechanical lighters. The Honourable the Finance Member with the assistance of this House may impose an excise duty on mechanical lighters, but I am quite sure that his ingenuity and the ingenuity of all the officers under him will not bring in a pie into the coffers of Government from the realisation of this excise duty. Therefore, the title of this Bill is not a proper one.

Of course, he will make some money by the operation of the last clause, clause 16, by which he levies a higher import duty on mechanical lighters coming from outside. But that ought to have been put in the title, instead of this imaginary levy or collection from excise. I may assure him that no officer is required to collect any excise duty now, nor in future, because I do not think that any manufacturer will be foolish enough to invest his capital in the manufacture of mechanical lighters. The more honest thing would have been to prohibit the manufacture of mechanical lighters altogether. In clause 6, powers have been taken for preventing the import of mechanical lighters from Indian States. A similar section would have done as well, that no mechanical lighter should be manufactured within British India and that would have saved the trouble of drafting all these elaborate clauses for the levy of excise duty and collecting it.

It is the primary object of the Government to protect the income or revenue from matches, and I think that is a legitimate object and for that purpose it was necessary to check the excessive use of mechanical lighters. Latterly, the import of the latter has increased no doubt and, therefore, an import duty on mechanical lighters is a step in the right direction. But in order to balance it, an excise duty on mechanical lighters is levied, and this is simply, I think, in order to provide some weight in the other scale of the balance. On a previous occasion, I pointed out that no revenue would be collected from this source and therefore I raise a voice of protest on this occasion too that this clause ought to be done away with, and there should be put on a prohibition on the manufacture of mechanical lighters. I am not much

interested in the amount of the duty—whether it is Rs. 1-8-0 or Rs. 2—because the purpose is the same, *viz.*, to discourage the starting of factories for mechanical lighters. And, Sir, the manufacture of mechanical lighters is a very minor industry, and we need not mourn the loss of it. There are other industries which one can take to with greater advantage to the country, but, then, as my Honourable friend, Dr. Ziauddin Ahmad, has said, the angel of death has seen the house and we are all afraid, Sir, that the Finance Member may come forward to propose excise on any industry which is started or is likely to be started, and in that way cripple the industrial advancement of this country. I hope, Sir, that an assurance will be given by the Honourable the Finance Member that there are no reasonable grounds for this apprehension.

**The Honourable Sir James Grigg :** Sir, I am a little shocked at the spectacle of Dr. Ziauddin shedding gallons of crocodile tears over our proposal to put a tax upon an imaginary article. Sir, what has he been doing all his life but pursuing the square root of minus one—I think that is an imaginary quantity ! (Laughter)—into more and more rarefied regions where ordinary mortals cannot follow him ?

**Dr. Ziauddin Ahmad :** My friend probably knows—he is a better mathematician than myself—that this imaginary number is of greater importance than a real number. Real numbers represent points on a line, while complex numbers represent points on a plane.

**The Honourable Sir James Grigg :** My Honourable friend cannot get away with it like that. It is quite definitely an imaginary quantity. Incidentally, on his point of “ what on earth are you doing, putting an excise duty on an imaginary article ? ” I should rather like to know whether he is prepared to go to the wheat growers of the Punjab and hear what they will say to him if he proposes to remove the duty on the imaginary imports of wheat ! I rather fancy his tears would be rather more real than they are on this occasion. Sir, I am not sure whether it would be proper of me to follow my Honourable friend, Mr. Sitaramaraju, in the somewhat indelicate illustration that he gave in connection with this proposal. He expressed himself, I think, as strongly opposed to birth control ; but, as far as I can see, throughout the whole of his argument he was quite prepared for a subsequent illegal operation or at any rate for an infanticide. But, Sir, I do not want to pursue that particular metaphor, I will change it. My objection to the arguments brought forward against this Bill is that Honourable Members opposite are only prepared to lock the stable door after the horse has been stolen. Mr. Bhuput Singh said : “ Could I ever give examples of countries where a precautionary duty had been imposed ? ” Certainly, Sir,—the United Kingdom ; but in any case even if there were no examples, there are two very good examples of locking the stable door after the horse is stolen. Burma is one ; I do not want to elaborate that ; I referred to that at length on the motion to refer the Bill to a Select Committee. But since then I have been furnished with information as to what happened in the case of Java where the neglect or the delay in imposing an excise duty has absolutely ruined the revenue from the excise duty on matches. To prevent that, Sir, is our whole purpose. I quite agree that we ought not in ordinary circumstances to kill, at whatever stage of its life we do it, an industry which might be developed in this country. But the House has gone too far already over that. The Indian match industry, which is

[Sir James Grigg.]

a very large industry, has been established by a scheme of protection which has cost the consumer in this country crores of rupees and which yields to the Government of India a very considerable revenue. Is it not really rather absurd to expose an industry of such magnitude to the chances of extinction in the desire to develop what can never be anything more than a very puny infant? Even if an industry for the manufacture of mechanical lighters could be established in this country, it would be of inconceivably small importance in comparison with the existing match industry. And now if I may just end by going back to some of the lethal metaphors that have been used, the proposal of those who object to this Bill is that you should allow a rather sickly infant to grow up and that you should encourage people to spend money on fostering it. But once it gets into a position where it can be impertinent or even a nuisance to its grown-ups, you can bring down a bludgeon on its head and kill it stone dead. But, Sir, the unfortunate features of that are two. First of all, it is extremely wasteful to spend money in bringing up a child that you are going to kill anyhow, and apart from that and much more than that, if this wicked child in the meantime is going to kill a healthy adult, the extravagance and folly of nurturing it are all the greater. That is all I have to say, Sir. I hope the House will now accept the motion to take the Bill into consideration.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair intends taking clause 3 first. The question is :

“ That clause 3 stand part of the Bill.”

The amendment of Mr. Bhuput Sing is not in order. That cuts at the root of a principle to which this House has already subscribed. It is perfectly open to the House to reject the clause, but the Honourable Member cannot move his amendment.

**Mr. Bhuput Sing** : Sir, if the Preamble were amended, as suggested in my amendment, then that would be in order?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : As a matter of fact, the Honourable Member's amendment to the Preamble is a consequential amendment. If clause 3 is omitted, then that amendment will follow as a consequential amendment.

The question is :

“ That clause 3 stand part of the Bill.”

**Mr. Bhuput Sing** : Sir, I beg to move :

“ That in clause 3 of the Bill, the words ‘ and eight annas ’ be omitted.”

My purpose in moving this amendment is that the duty as proposed in the Bill is exorbitant. The price of the lighters generally varies from annas four to Rs. 2 or even more, so the duty of Rs. 1-8-0 on a small lighter costing annas four seems to be very exorbitant. The Government

said that these lighters will be extensively used by the masses, but these lighters require petrol which is not stocked by common people, and also they require frequent change of flints which also costs something. Therefore, the Government position, that the people will go using these lighters, is rather over-estimated, and I think that a duty of one rupee will be sufficient to protect the match industry and also the loss of revenue from the match excise duty. Therefore, I move the duty be reduced to one rupee.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 3 of the Bill, the words ‘ and eight annas ’ be omitted.”

**The Honourable Sir James Grigg** : Sir, I have dealt with this question in anticipation, and I have very little more to say. The Government are a little uneasy that they may have overshot the mark in reducing the duty from Rs. 2 to Rs. 1-8-0, and certainly they would not feel safe if the duty were reduced any further. If, at a later stage, it does become clear that the duty is fixed too high, the Government can reconsider the matter. But the fact remains that a duty of Rs. 1-8-0 is the equivalent of three-quarters of a gross of boxes of matches of the ordinary size and that, I think, will not be an excessive measure of the efficacy of a mechanical lighter in relation to matches. Now, if you fix the duty so low that it is still very much cheaper to use a mechanical lighter than to buy matches, the whole purpose of the Bill will be defeated.

**Dr. Ziauddin Ahmad** : Sir, I do not know in what way these calculations were made.

**The Honourable Sir James Grigg** : Mathematically.

**Dr. Ziauddin Ahmad** : I am told that this duty should be the same as the duty on the three-quarters of the gross of matches because the age of this mechanical lighter will be approximately the same and it will serve the same purpose as the three-quarters of a gross of matches. But there are certain factors which my friend entirely forgot in his mathematical calculations, and those are that the mechanical lighter may be lost. These mechanical lighters are just like the fountain pens which really never see the end of their life. They are lost much earlier than the time at which they would cease to function. So, he entirely forgot that by the time another man will use only one dozen match boxes, this mechanical lighter would have disappeared altogether. Another point about these mechanical lighters is that they go wrong, and when they do go wrong due to some misuse, they cannot function at all. These are really two important points which were not taken into consideration at the time the calculations were made. Then, Sir, this is not the only ground on which I stand. I stand on an entirely different ground. It is an accepted principle of the Government that the excise duty is always lower than the import duty on the same article. As an example, I will mention kerosene. On kerosene, the excise duty is less than the excise duty on the imported kerosene. If my friend stands on the ground that the excise duty and the import duty may be the same, then it is his duty to present a Bill tomorrow to equalise the excise and import duty on kerosene. And if he does that, we can get a crore of rupees to the public chest. Again, Sir, we have seen in the case of the Steel Protection Bill that whatever the duty may be, we always say  $1\frac{1}{2}$  and  $1\frac{1}{2}$  of the excise duty *plus*....



**Mr. A. J. Raisman** (Government of India : Nominated Official) : May I point out that the customs duty will be considerably higher than the excise duty ? It will be higher by no less than 50 per cent. of the value of the imported article.

**Dr. Ziauddin Ahmad** : But in the case of the duty mentioned in the Steel Bill we have seen everywhere that the import duty will be  $1\frac{1}{2}$  or  $1\frac{3}{4}$  of the excise duty *plus* something which my friend, Mr. Raisman, has reminded me about. I consider it to be an established principle that the excise duty is slightly less than the import duty on that article, so that our manufacturers may have some advantage as compared to the manufacturers of the foreign countries. Therefore, this proposal of my friend is very reasonable, namely, whatever duty you may impose as a kind of import duty for matches, the excise duty should be slightly less than this import duty. With these words, I beg to support the amendment moved by my friend, Mr. Bhuput Singh.

**Mr. B. V. Jadhav** : Sir, I am afraid my friend, Dr. Ziauddin Ahmad, is under some misapprehension. The excise duty is an imaginary duty and the import duty is a real one. Therefore, the excise duty is not equal to the import duty. An imaginary quantity cannot be equal to a real quantity. At the same time, the Honourable Member, Mr. Raisman, has pointed out that the import duty is to be added to 50 per cent. *ad valorem* duty. The Honourable the Finance Member has held out a promise that when Government realise that the excise duty is too high, they will come before this House and ask for its reduction. I am at a loss to know how Government are to come to that decision. Is it by the loss of all import duty or by the absence of any revenue from excise ? As a matter of fact, as I have pointed out just now, there will be no revenue from excise and some little revenue is expected from the import duty. So, when the imports have stopped altogether, will he come forward and ask for the reduction of the excise as well as the customs duty ? That is a question which is troubling me more.

**The Honourable Sir James Grigg** : My answer is, no. The circumstances, which would induce the Government of India to come before the Assembly to make revised proposals on this, are entirely based on the relation of the excise duty on mechanical lighters to the excise duty on matches. If the excise duty on matches were reduced, then it will be quite proper to reduce in proper relation the excise duty on mechanical lighters. The essential function of this excise duty is to protect the match revenue and the duty on matches will be the criterion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 3 of the Bill, the words ‘ and eight annas ’ be omitted.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 16, both inclusive, were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 2 stand part of the Bill.”

The Chair thinks that the amendments of Mr. Bhuput Sing have now become unnecessary.

The motion was adopted.

Clause 2 was added to the Bill.

**Dr. Ziauddin Ahmad** : Sir, I beg to move :

“ That after clause 1 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

‘ 2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine ’.”

Sir, I hope the Honourable the Finance Member would see no objection to this particular amendment. The powers are there, but unfortunately the factories are not there, and my motion is that as soon as the factories come into existence, apply the law at once and do not follow the example of the *Burag* which I have just stated. We say that if at any time this thing is available, then this rule should particularly apply. He has really done a great injustice in putting a duty on an imaginary article. He has asked us to pass a hypothetical Bill, to meet a hypothetical case in order to stop a hypothetical industry.

**The Honourable Sir James Grigg** : You are moving a hypothetical amendment.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : You will get a hypothetical revenue as well. (Laughter.)

**Dr. Ziauddin Ahmad** : My object is to make this hypothetical proposition a reality, a reality which can only come if we accept this amendment that to whatever really exists, we should apply the section immediately. Whatever may come in future, then this section should be applied on some later date. This is really my object in moving this motion and that is to take the Honourable the Finance Member out of this difficulty. I do not want to repeat all the arguments that I said on a former occasion, but I do implore the Honourable the Finance Member to consider seriously the question of keeping these clauses in abeyance and apply them, if and when the opportunity arises. I am sure that so long as this particular Bill is there the opportunity would never arise and the Governor General will be relieved of considering and framing an order. Sir, I beg to move my motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That after clause 1 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

‘ 2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine ’.”

**The Honourable Sir James Grigg** : I am afraid that Homer has nodded again. If he would look at section 16, he will see that section 16 has no reality, except in relation to the imposition of an excise duty.

[Sir James Grigg.]

Sir, if he proposes that section 16 of this Act shall come into force at once and the remaining on some subsequent date, then section 16 cannot possibly come into force either, so that in effect either Homer has nodded completely or he has a deep laid scheme, an alternative form of raising again Mr. Raju's point, which is that this Bill should be permissive, and so not come into force until after the damage has been done which it seeks to remedy. I have already argued that and I do not think it is either necessary or desirable that I should do so again.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That after clause 1 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

'2. Section 16 of this Act shall come into force at once and the remaining shall come into force from such date as the Governor General in Council may determine.'"

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir James Grigg** : Sir, I beg to move :

"That the Bill, as reported by the Select Committee, be passed."

I think every conceivable point that can possibly arise on this Bill has been discussed already. I have no new points to make. I merely thank the House for the very patient way in which they have dealt with this matter, and I hope it will not be necessary for me to strain any more the patience of the House. Sir, I move.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill, as reported by the Select Committee, be passed."

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir (Applause), I do not know whom I shall congratulate, whether it is the Swedish match combine or the Japanese match combine that finance the Indian match factories in India, or the simple Simon-like faith of the Government of India, that they have found a remedy to what was advocated by the representatives of the Swedish match combine in the Select Committee on the Matches (Excise Duty) Bill. Sir, whenever this Government see a chance to collect some more revenue, they do it, but they forget their obligations to the tax-payer, to the people. They forget the obligations that are laid upon them by the report of the Indian Fiscal Commission or by the very Tariff Board that made enquiries about the protection to the match industry. Sir, sixty per cent. of the money that has been invested in India on match industry is foreign. It has been the complaint of this House that the Swedish combine should be controlled by the Government of India. It is true that there are one or two Indian Directors on the Swedish match combine.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

But they are never called upon to attend meetings. The Indians do not hold shares in the Swedish companies, nor are Indian boys allowed proper training in the Swedish firms. Yet, when the Government of India in their benevolence or simplicity, I do not know what it was, or even the Select Committee—when they permitted the representatives of the Swedish match combine to give evidence, they suggested to the Government of India this new tariff on mechanical lighters and Government and the Select Committee in their simple faith swallowed the suggestions of the Swedish gentlemen who gave evidence before the Select Committee on the Matches (Excise Duty) Bill.

**Mr. A. H. Ghuznavi :** There were others also.

**Mr. B. Das :** I am coming to the Japanese shortly.

**Mr. A. H. Ghuznavi :** No, not Japanese. They were all Indians.

**Mr. B. Das :** But financed by Japan.

**Mr. A. H. Ghuznavi :** No, they are not financed by Japan.

**Mr. B. Das :** I shall be glad if my Honourable friend, for whom I have great respect and great friendship, will clear the suspicion that is in the minds of many of us that the Calcutta match firms and also certain firms on the West coast of Bombay are not financed by Japanese syndicates and they are not controlled by the Japanese people. Sir, at that time the House expressed the opinion that Government should exercise control over these foreign combines as was recommended by the Tariff Board, and the then President or Member of the Tariff Board, Sir Padamji Ginwala, wrote his minute of dissent on the match protection and he himself is now the Financial Adviser of this Swedish match syndicate itself. Sir, Krugar is dead ; Krugar swindled the European financial circles to the extent of two hundred millions sterling. I do not know whether England lost any money on it, but the spirit of Krugar, Krugarism is still prevailing in India, and it is this spirit which has so much enchanted the Government of India that the Government of India dare not ask these Swedish firms in India to come under the control of the Government of India in the line of the recommendation of the Indian Fiscal Commission, or in the line of the recommendations of the Tariff Board.

Now, Sir, I am glad to hear from my Honourable friend, Mr. Ghuznavi that certain Indian gentlemen owning match factories represented that these mechanical lighters should be taxed. But I should like to know from my Honourable friend what is the amount of Indian capital that is invested in the Indian match industry. My own view is that Indians have financed only the small match factories. But, Sir, if the Swedish people are exploiting, because they are the cousins of the Government of India or of the British people and they have got protection by the back door, so also the Japanese from the East have invaded and they are investing money. They are investing money and taking advantage of the protection that was given to the match industry. My Honourable friend, the Finance Member, is very anxious to safeguard the receipts of the Government of India. One of the complaints, that was made against these foreign match manufacturers, was that they should not import foreign logs and foreign timber from Sweden or Japan, but that is still going on, and Government have as yet taken no steps to control these foreign match combines and stop the importation of foreign timber from Sweden or from Japan. So, what is the use of the Finance

[Mr. B. Das.]

Member trotting out before this House the plea that the Indian match industries have been protected by this ? It is true that Indian labour is employed in these industries, but if and when any industry receives protection there are certain rules which the Honourable Member for Industries and Labour has laid down and sees to it that they are observed. One is that the raw materials should be Indian. All the chemicals come from outside. It is a shame that when the Government of India spend so much money on Indian forests and when timber is available in India to produce matches, these Swedish combines still import timber. And yet in simple Simon-like faith this Government bows down to the representatives of the Swedish match factories and perpetuates a piece of legislation by which the Government of India will be laughed at by the people of the world. For these reasons, Sir, I oppose the Bill.

**Mr. Bhuput Singh :** Sir, I do not want to go into details at this stage when the Bill is going to be passed into law. But I want to ask the Finance Member one question. He said that the criterion for the reduction of duty on mechanical lighters would depend on the reduction of duty on matches. I should like to ask him this. Supposing an industry is established in India for the manufacture of these lighters and it is found that this industry cannot compete with foreign manufacturers, will Government then be prepared to lower the duty on these lighters or will they still maintain that the duty has not been reduced in the case of matches and, therefore, the duty cannot be reduced in the case of mechanical lighters ?

**The Honourable Sir James Grigg :** Sir, I admit that I was not very clear. What I meant was that Government would be quite prepared to consider reducing the duty on mechanical lighters when it is quite clear that they can safely do so having regard to the necessity of preserving the match revenue. I am afraid, I cannot be more specific than that.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The question is :

“ That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters, as reported by the Select Committee, be passed.”

The motion was adopted.

## THE INDIAN NAVY (DISCIPLINE) BILL.

**Lieut.-Colonel A. F. R. Lumby (Army Secretary) :** Sir, I move :

“ That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwan Bahadur Ramaswami Mudaliar, Khan Bahadur H. M. Wilayatullah, Mr. D. K. Lahiri Chaudhury, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rao Bahadur M. C. Rajah, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdulla-al-Mámin Suhrawardy, Lieut.Colonel Sir Henry Gidney, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

As you remember, Sir, when this Bill was last before the House it was decided on the motion of my Honourable friend, Mr. B. Das, to circulate it with a view to eliciting opinions upon it. In circulating the Bill, we took advantage of a suggestion made during the course of the debate by :

my Honourable friend, Mr. James, to send with the Bill a short summary of the reasons which led up to its introduction, so that members of the public who wished to express an opinion on it should have a better realisation of the causes underlying it. The opinions that have been received are now in the hands of the Honourable Members, and, as far as I can see, they are generally favourable to the Bill. At any rate, the House can congratulate itself that no point of importance has been raised in them which has not already been discussed on the floor of this House during one or other of the previous debates on this Bill.

First, I want to deal with a point which was raised during the last debate by the Honourable Member, the Leader of the Opposition, and which has been referred to again in the opinions by a number of people. This concerns the form in which the Bill has been brought before this House. The complaint is that we have not introduced a self-contained measure. The reason lies in the amended section 66 of the Government of India Act which reads :

“Subject to the provisions of this Act, provision may be made by the Indian Legislature for the application to the naval forces raised by the Governor General in Council of the Naval Discipline Act, and so on.”

It is held that the word “ application ” precludes us from doing more than we have done in the case of this Bill, and prevents us from producing a self-contained measure.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Will the Select Committee be precluded from making amendments in the Bill, so as to make it a self-contained piece of legislation ?

4 P.M.

**Lieut.-Colonel A. F. R. Lumby** : I gather that the legal position is that the Bill can only be applied and that therefore it will have to come up in some such form as at present. It cannot be made into a self-contained measure.

**Mr. Gaya Prasad Singh** : Why not in the form in which we have got the Navy Bill in England with such suitable amendments as the Select Committee may think fit to incorporate ? It can come as a self-contained Bill in that form.

**Lieut.-Colonel A. F. R. Lumby** : I gather that that would not be in keeping with section 66 of the Government of India Act which says :

“Subject in the application of the said Act to the forces and ships.....to such modifications and adaptations, if any, as may be made by the Indian Legislature to adapt the Act to the circumstances of India.”

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadan Urban) : May I ask the Honourable Member another question which is really very vital ? The Bill as placed before the House refers only to certain sections of the Naval Discipline Act. Is it open to the Select Committee to take up other sections not referred to in the Bill and modify them. The power to do so is certainly given in section 66 of the Government of India Act.

**Lieut.-Colonel A. F. R. Lumby** : That is so. The whole Naval Discipline Act will be before the Select Committee and they can suggest amendments other than those which have already been included in this draft Bill. What I was just going to say was that I understand that the

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procedure we have proposed is that which has been adopted in the case of the self-governing Dominions. The Act has been applied to their navies in exactly the same way as it is proposed to apply it in this Bill ; and if this is the only way in which we can get for the Indian Navy the increased prestige and status which its connection with the Royal Navy will give it, then I submit, Sir, that the advantage that will thus be gained will outweigh any administrative inconvenience that may arise from having the Bill in this form.

Next, Sir, I want to deal with the suspicion that was in evidence during the course of the two previous debates, and which I fear still lurks in the minds of some Honourable Members, that the main object underlying this Bill is to give Government the power to force upon India a large navy of large and expensive ships which will be available for Imperial purposes. I gather that the idea underlying this suspicion is that, since the Washington Agreement placed certain limitations on the various kinds of men-of-war, which they may maintain, His Majesty's Government are anxious to have in the Indian Navy a kind of reserve fleet upon which they will be able to call in time of war. Alas for this suspicion, the limitations agreed upon at Washington cover not only the Royal Navy, but also the navies of India and the self-governing Dominions, so that if India decided to build a battleship, it would mean that His Majesty's Navy would have to go short of a battleship to keep within the limitation figures. But even if this were not the case, the Bill that is now before the House gives to the Government no power to increase the naval forces of this country that they do not already possess and have possessed for years past.

I should like now to try and explain in a few words what the naval policy of the Government of India really is. This policy, which, of course, is co-ordinated with the naval policy of His Majesty's Government, does not concern itself with the building of any big ships. It aims at maintaining a small squadron of small and efficient ships for the local naval defence of India's coasts, harbours and shipping.....

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) : Is that the future policy ?

**Lieut.-Colonel A. F. R. Lumby** : There is no intention of changing the policy. That policy, when you come down to details, means the carrying out in time of war of such duties as the prevention of mine-laying by enemy ships, the sweeping up of mines that enemy ships have managed to lay, the chasing and destruction of enemy submarines, the conveying of ships from port to port, and things like that. Honourable Members will recollect that during the Great War a German mine-layer managed to lay a mine-field almost opposite the entrance to Bombay harbour, and that was not the only occasion on which a German raider managed to approach the shores of this country. If, as God forbid, the Empire is ever again engaged in a war against a maritime power, however distant from India, as sure as I stand here today, the danger that will threaten India's coasts and India's shipping will be just the same as threatened them during the Great War ; and it is to provide protection against this danger, should it ever arise, that the naval policy of the Government of India is directed. I can assure the House that there is no intention that the carrying out of this policy, which is the policy at present in force, shall cost any more money than it does at present.

The main objections which have been raised at one time or another to this Bill fall under three heads—expense, Indianisation and constitutional. As regards expense, I have already explained how limited the policy of the Government of India is in naval matters and have assured the House that there is no intention that this policy shall cost more money than it does at present. Beyond this, I can assure the House that there is nothing in the Bill which will involve the addition of a single ship or a single man to the Indian Marine. The Bill itself is purely and simply a discipline Bill, but the important part about it is that, until it becomes law, it is impossible for the Royal Indian Marine to become the Royal Indian Navy ; and, I may add, until then it will not be possible for the Government to put the finishing touches to the scheme for the re-organisation of the service which they started in 1927 in what they then considered, and are still convinced, were the best interests of India, and of India alone.

I turn now to Indianisation. Though prior to 1927 there was nothing to prevent Indian officers being recruited for the Indian Marine, it was not until the re-organization scheme formulated that year that Government first introduced a real plan for the Indianisation of the officer ranks of the service. In the next year, 1928, the first Indian officer was recruited direct to the service, and at the present moment there are three Indian officers serving with the squadron and eleven cadets under training who in the course of the next few years will take their places in the officer ranks. That gives a total of fourteen officers or officers-designate against a total officer cadre of only 117. I do not think that this is such a bad record for the short space of six years, seeing that it takes five years to train an engineer officer. During the course of the 1928 debate on this Bill much capital was made of the fact that we had estimated that our Indianisation scheme only meant the recruitment of one Indian officer to the service every year. Events, as I have said, have proved that estimate to be entirely wrong, but the point which I want to make is that the ratio of two British officers to one Indian, which is laid down in that scheme, has nothing sacred about it and can be altered at any time when events justify a change. At the present moment after all there are only three officers serving from whom we can judge, and it must surely be admitted that it would be difficult for Government to satisfy their own conscience from the experience they have gained from these three officers, however well they are shaping—and they are shaping well—that their system of recruitment and training and absorbing these officers into the service is on the right lines. In actual fact, we have had very considerable disappointments as regards the recruitment through the open competitive examination, and we have had to find alternative channels of recruitment from the Training Ship “Dufferin”. Though that channel has proved distinctly satisfactory, at the same time we are not satisfied as to the keenness which Indian lads in general show to enter the service. I shall refer to this question of recruitment later on.

I turn now to the constitutional question which I know is at the root of the majority of objections which Honourable Members have raised at one time or another to this Bill. Not that there is anything in the Bill itself as far as I can see, which is particularly objectionable from the constitutional point of view, but because the Bill, if it passes into law, will cause the amendments made to the Government of India Act in 1927 to become operative for the first time ; and those amendments have a very definitely constitutional bearing. What is the constitutional position today ? At



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the present time, under the Indian Marine Service Act of 1884, it is possible for His Majesty's Government to take over the Royal Indian Marine, lock, stock and barrel, without consulting the Indian Legislature, and without consulting the Government of India or the Governor General; and it is nowhere laid down that, if they choose to do so, it will be incumbent upon them to pay. I am not saying that His Majesty's Government would ever do such a thing, but that is the law and that is what they can do. Under the amendments to the Government of India Act, which, as I have said, will become operative if this Bill becomes law, the position is, as it seems to me, distinctly improved from the point of view of India. The relevant section of the Act reads as follows :

“ Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government of India alone, except that if the Governor General declares that a state of emergency exists which justifies such action, the Governor General in Council may place at the disposal of the Admiralty all or any of such forces and vessels.”

And India will only be liable to pay for that part of the navy which is placed at the disposal of His Majesty's Government for purposes other than the defence of India if such expenditure is agreed to by both Houses of Parliament. In addition, as was announced to the House during the last debate on this Bill, it is the intention of the Government of India to consult the Legislature in future, so far as may be possible, whenever any question arises of lending the Indian Navy to His Majesty's Government for operations other than in the defence of India. I assure the House that this is a definite pledge, and not merely a formula of words.

I know of course that the point of view, taken by some Members of the Opposition at any rate, is that, so long as the Indian Legislature, or at any rate a Federal Ministry, has no measure of control over India's naval forces, there is no great difference between the present position and the position as it will be if the amendments to the Government of India Act become operative. But, Sir, I have to go by the facts, and, if I cannot get hold of any facts, I have to go by probabilities; and I find that even on the other side of the House it is taken for granted that under the new Constitution the subject of Defence will be reserved to the Governor General. Now, Defence is a term covering the Army, the Navy and the Air Force, and, if it is reserved, it is impossible to split off any one of these three and place it under the control of the Legislature. That was the suggestion made by several Honourable Members in the last debate, and one of them, in making this suggestion, held out a particularly tempting bait to us. He suggested that, if the Navy were placed under the control of the Legislature, they would probably be prepared to vote two, or even three, crores of rupees for its upkeep instead of the 60 lakhs which is spent on it at present. I appreciate the spirit in which that suggestion was made, but I can only say again that, as long as Defence is a reserved subject, I do not see how such a proposal could be accepted. Let me put the case this way. There is always a limit to the amount of money which India can afford to spend on her defence, and if Defence is reserved, it will be the responsibility of the Governor General, with the expert advice of the Commander-in-Chief, to decide how the available money can be divided up most suitably and effectively between the three fighting services. If one of the fighting services, say, the Navy, is placed under the control of the Legislature and they decide to strike out a line of their own as suggested

by the Honourable Member, whose proposal I quoted just now, and to spend a crore or so extra upon it, then it merely means that the amount of money that will be available for the Army and the Air Force will be reduced by that amount ; and that in turn will mean that the Governor General will not be able to carry out his responsibility in a proper manner. Any suggestion of this kind must be unfair to the Governor General and at the same time administratively unsound. In matters of this kind responsibility and authority must go hand in hand, and I, therefore, submit that, so long as Defence is a reserved subject, the Governor General must have control over its whole field. The only exception that I can imagine to this proposition is the occasion on which, as has already been stated, it is already the intention of Government to consult the Legislature, that is, when there is a proposal to loan a part of the Indian Navy to His Majesty's Government for purposes other than the defence of India. That kind of case, besides being considered by this House during the last debate, was also discussed at some length at the Round Table Conference, and I think we must presume that it is at present within the purview of the Joint Select Committee ; that being so, it would hardly be appropriate for Government to make a further statement on the subject in anticipation of that Committee's Report. In any case the occasions on which such a proposal will arise will be few and far between, and I submit that the whole question resolves itself into this ;—Is this House prepared to leave its naval forces with their present inferior status until such time as Defence ceases to be a reserved subject ? Or are they willing to take this opportunity of giving them the increased prestige and status which the title of Navy would confer on them ?

Last February, in moving for this Bill to be circulated, my friend, Mr. B. Das, said :

“ When after circulation of this Bill, the Army Secretary satisfies us and takes us into his confidence that these natural suspicions of the Indians will be satisfied and even met, then it may be that the Bill will receive our sanction.”

Sir, I have tried to satisfy the House that the suspicions which were raised in previous debates are groundless ; I have explained how limited the naval policy of the Government is ; and I have tried to give assurances on the various other points on which it seemed to me that there were doubts in the minds of Honourable Members in previous debates. I hope my explanations and assurances will persuade Honourable Members to prefer the second of the alternatives I have suggested, that is, to take this opportunity of giving the Royal Indian Marine the status of a Navy.

In deciding what their views will be on this Bill, I should like the House to consider it not merely from the constitutional aspect, but also from the point of view of the service, its efficiency and its contentment. In the last debate on the Bill, it was stated on behalf of Government that they were in no great hurry to pass this Bill, and that is still true. But if I urge Honourable Members to put from their minds any thought of delaying the decision on this particular matter, it is because I think that the effect of its passing into law will be to add to the contentment and efficiency of the service. I want to mention two facts in this connection. I referred earlier in my speech to the disappointments we have had with regard to recruitment by the open competitive examination. During the last few years, we have only had a total of 51 candidates, good, bad and indifferent, for the 13 vacancies that have been offered. I think it must

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be admitted that that number does not show a real and proper enthusiasm for entry into this service. The point was, however, made during the last debate on this Bill that the reason for this was that our publicity was not sufficient and that therefore the general public did not know anything about this examination. This open competitive examination for the Indian Marine is held in conjunction with the examination for entry into the Indian Military Academy and the Royal Air Force College, Cranwell, and is conducted by the Public Service Commission. It is given the same publicity as is given to any other examination run by that Commission. We get a good supply of candidates for the Army, and a good supply of candidates for the Air Force, but we do not get a good supply of candidates for the Indian Marine, and therefore I consider that the accusation made against us that this is due to our shortcomings is unfair. I will go further. I maintain that it is due to the fact that prospective candidates do not look upon the service as offering them a sufficiently attractive career. I go one step further again and say that if the service attains the added status of a Navy, our difficulties in this respect will disappear. I want to quote in support of what I have said the opinion of an *ex-officer* of the Royal Indian Marine, who comes from Mr. Das's own province, Orissa, which I think has a good deal of truth in it. What this officer says is as follows :

" I am convinced that successful Indianisation depends entirely on making the service a proper Navy in name as well as in deed. Indian youth is probably more sensitive than British youth and unless they feel that the service they are about to join is without bar or reproach, you cannot expect them to come forward with enthusiasm to join it."

**Mr. Gaya Prasad Singh :** Would you read the last paragraph of his opinion ?

**Lieut.-Colonel A. F. R. Lumby :** And there is another part of this same opinion which I want to quote in support of my second point, and that is this :

" The service has never ceased to desire the status of a Royal Navy from the very day the Indian Navy ceased to exist in 1862. I waited and hoped for twenty years to see such a day and finally was obliged to give up hope and retire. The service today is still waiting and hoping and I consider it hard to suggest that they should wait even longer."

Sir, as I have said, the officers and men of the Royal Indian Marine, when they heard our re-organisation proposals in 1927, felt that their ambition was at least about to be realised. They suffered a rude disappointment when this House in 1928 decided to reject this Bill. They waited for six years more and their hopes rose again, but last February they suffered a second disappointment when this Bill was sent for circulation. Only those in touch with the service have any idea how great a disappointment it was to them. And yet all this time, in spite of these disappointments, there has been no relaxation of their keenness or enthusiasm. First under the command of Captain Sir Edward Headlam, and more recently, under the command of that distinguished Admiral, Sir Humphrey Walwyn, who has been lent to India by the Admiralty until next November, they have striven their utmost to make the old non-combatant Marine into a first class combatant service.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

In the short space of six years they have worked wonders and their success has been far greater than even the experts anticipated. I submit in all humility that these officers and men, both British and Indian, have deserved well of this country, and it is within the power of this House by passing this Bill to show that what they have done is appreciated. If they pass this Bill it will raise not only the prestige, but also the efficiency of the service, and I assure Honourable Members that, if they take this step, they will never have any cause to regret it. Sir, I move. (Loud Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwan Bahadur Ramaswami Mudaliar, Khan Bahadur H. M. Wilayatullah, Mr. D. K. Lahiri Chaudhury, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rao Bahadur M. C. Rajah, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdulla-al-Māmūn Suhrawardy, Lieut.-Colonel Sir Henry Gidney, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, “ In spite of the eloquent and instructive speech of my Honourable friend, the Army Secretary, I have to oppose the motion that he made just now. I venture to submit that never in the history of the Indian Legislature has a measure of such far reaching consequence been brought forward with so much unostentation and with so much innocence. When this House is asked to legislate for the discipline of officers and men of the Indian Navy, we might be pardoned if we ask the very simple question, ‘ When did this Navy come into existence and with whose consent was this Navy brought into existence ? ’ ” Sir, these are not my words. These are the words of now Sir but then Mr. Shanmukham Chetty. With these words, you, Sir, opened the debate in 1928 in opposing this Bill. In opening that debate, you put yourself three questions. Who will pay for this Navy, you asked, and you answered that it was the Indian tax-payer. The next question you put yourself was, who will officer this Navy ? Sir, the Army Secretary has just now said that there is nothing to prevent Indians being there. They will be permitted to be there in the very small proportion they have been all along. The third question which you asked then was, who will control the Navy ? Sir, it was said, and you answered yourself in the words of the Government that it will be in the same position as our army is. In 1928, with these remarks, you substantiated your arguments in a very lengthy speech which I wish I could quote in full, but at this late hour I do not propose to quote the whole length of your speech. But with those objections you opened the debate, and the verdict of this House was that the Bill should be thrown out and it was thrown out. (*Lieut.-Colonel Sir Henry Gidney* : “ By one vote.”) It may be by one vote, or it may be by any number of votes, but the fact is that it was thrown out. If you take the opinion of the non-officials alone, I think Sir Henry Gidney would agree that it was overwhelmingly more than one vote. However that may be, it is unfortunate that today you are a non-combatant. I would like to ask at the very outset one simple question, what is the hurry for pushing on

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this measure with such a rush now at the fag end of this Legislature ? At the last Session, the Army Secretary assured us that there was no particular hurry for pushing on with this measure, and, with that assurance, the Bill was sent to the country to gather opinions. Today it has come back like a bad penny. It did indeed gather some opinion, but like the opinions usually gathered on measures of Government they are opinions mostly of persons who are either their subordinates or their Local Governments, and the opinions that were gathered from the non-official Indians were all few. Would my Honourable friend, the Army Secretary, like to question that statement ?

**Lieut.-Colonel A. F. R. Lumby :** I wish there were more. My regret is also that they were few.

**Mr. B. Sitaramaraju :** I am very glad for the admission, and I share the regret that they were very few. Now, I want to say that when we send the Bill for gathering public opinion, we really do mean that the opinion that is gathered there is the public opinion and not the opinion of the Government officials. Now, Sir, there was one reason on the contrary why the measure should not be pushed on in a hurry. The empty Benches on this side of the Opposition bears eloquent testimony to the fact that on the eve of the General Election a measure of this character should not be pushed through, especially when they consider that it is not a measure of such urgency that it should be rushed through at this juncture. I trust that I am not alone when I hold the view that there is undue haste on the part of the Government in pushing through this measure. I will quote an authority which even my friend on the opposite side will not question, an authority which is not vitiated by any bad motive or false sentiment. That is the opinion of the European Association. The British Indian Association of Calcutta says....

**An Honourable Member :** That is a zamindari association.

**Mr. B. Sitaramaraju :** I am sorry I thought it is an European Association. However, it is the same so far as the views are concerned. We always believe that the Zamindars and the Europeans go together in matters of this kind. This is what they observe :

“ That such a Bill should not be rushed through in view of the impending constitutional changes in the centre which are likely to be vast and far reaching is not to be dismissed without bestowing on it the consideration it deserves. While being in full sympathy with the Bill, my committee would draw the attention of the Government to such a consideration. This is a contention which gains considerable weight from the fact that the Government is in no hurry with the Bill, as has been admitted by the Army Secretary speaking on behalf of the Government.”

The other Indian opinions also, from such views as we have gathered, would go to strengthen that point of view. It says for instance here that there is no urgency or hurry in the matter and there is no harm in knowing exactly what is going to happen in the future in the Indian Constitution with regard to the control of the Indian forces generally and it would be the best thing for the Government of India and the Federal Legislature to bring forward a comprehensive scheme for the creation of the Indian Navy. If opportunities be given to Indians to defend themselves and to learn the art of defence, then everybody should welcome such a measure and so forth.

Sir, whatever may be the opinion, the fact remains that we are on the eve of constitutional changes. I am sure, my Honourable friend, the Army Secretary, in spite of his assurance that this is a subject which is to be under the special care and control of the Governor General and not within the purview of the Legislature, would admit that he cannot be taken into the confidence of the Joint Parliamentary Committee which is sitting. It may be possible, if all that we hear is true, that there may be no real Legislature in this country. All our Acts may be passed hereafter in Great Britain, and it is quite possible that we will have nothing to do with the administration of the country. Can the Army Secretary say that he was taken into the confidence of the Joint Parliamentary Committee and can he give us an assurance on the floor of this House that they will respect the rights of the people in this country and will give the people some sort of responsibility, but only this particular responsibility, the Legislature will be deprived of. Sir, we are on the eve of legislative changes. We are apprehensive as to what those changes will be. In all fairness, I ask, is it right, is it proper on the part of the Government that a measure of this kind with such far-reaching consequences should be pushed through at the fag end of this Legislature, unmindful of the changes that are likely to be made, unmindful of the fact that no one can know exactly what relations we will have with institutions like Army and Navy. Sir, it is not my purpose to go over the ground that had been covered by Honourable Members since 1928. There is one point that was made by my Honourable friend, the Leader of our Group, Sir Abdur Rahim, on the last occasion, that this Bill was not a self-contained Bill. The Honourable the Army Secretary today was pleased to answer that objection when he stated that the provisions of the Government of India Act, as amended under section 66, would preclude us from making a self-contained Act of our own, but that it must be only as a supplement to an Act of Parliament and that it must be accepted as an Act of Parliament and that we in this House, if we want to make any changes, can only make such changes as we may deem fit in order to suit the conditions of the Indian people subject to the provisions of the British Act. This raises a very important constitutional question on which I have been devoting some of my time. I have ventilated my points of view on this matter in public print in a series of articles. I shall not attempt to go into any elaborate discussion of the question whether it is right, whether it is proper and whether it is legal on the part of the British Parliament to legislate for us now. It will take not only the few minutes left for me today, but several days. I, therefore, propose to deal with that question as briefly as possible and that a little later. I offer now a few preliminary remarks upon the two other questions which are connected with this measure.

With regard to the question of Indianisation, it is not my purpose to say anything more than what has been already said or to repeat all that has been said to press for the claims of Indianisation. The little opinion that was gathered from the public of India shows how deeply dissatisfied they are with the policy pursued by the Government in the matter of Indianisation, and I need not add anything more than what was said then and now and all the time throughout the country.

With regard to the other question regarding our ability to find the necessary funds for a Navy, some people did express the opinion that, in the

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present financial circumstances of the Government of India, the Government of India might not be able to find the necessary funds to have even a decent Navy. My Honourable friend, the Army Secretary, just now said that under the Washington Conference Regulations it is not possible for us to increase the Navy.

**Lieut.-Colonel A. F. R. Lumby :** My point was that the Washington limitation figures cover the naval forces of the whole British Empire, and not only the Royal Navy. That was the point I wanted to make.

**Mr. B. Sitaramaraju :** It includes India also.

**Lieut.-Colonel A. F. R. Lumby :** It includes the whole of the British Empire.

**Mr. B. Sitaramaraju :** The British quota would include the Indian Navy also ; that was decided ; therefore, according to my Honourable friend, the Army Secretary, the British quota cannot be increased now by means of any increase in the Indian Navy excepting for the purpose of keeping such a small force as may be found to be necessary in order to safeguard the coast of India. Is not that so ?

**Lieut.-Colonel A. F. R. Lumby :** The second point I made was that, if it was decided, in accordance with the policy of Government, which, as I say, is co-ordinated with the policy of His Majesty's Government, to build, say, a battleship for the Indian Navy, then the British Navy or one of the Dominion Navies will have to go short of a battleship in order to keep within the limitation figure.

**Mr. B. Sitaramaraju :** Therefore, may I ask the Honourable the Army Secretary whether it is possible for us to build a Navy now under that Convention ?

**Lieut.-Colonel A. F. R. Lumby :** You cannot increase the total strength.

**Mr. B. Sitaramaraju :** Under these limitations, it is not possible for us to have a big Navy, a Navy even enough to safeguard and protect for defence purposes the two thousands and odd miles of our coast-line. But we will have the existing Navy and it will be called the Indian Navy ; and, as I have said, that Indian Navy we are now having is nothing but a mere apology for a Navy, as we all have known to our cost when the German cruiser the " Emden " was cruising in the Indian waters. It proved absolutely impossible for us to curtail the activities of the " Emden " in the Indian Ocean, as everybody knows and particularly as we of Madras know to our cost, in spite of all the resources of the mighty British Navy. In spite of the existence of that Navy, of which we have been allocated a little quota of our own for maintenance, that big, mighty Navy did not help us to save even the little part of Madras from being shelled by the " Emden ". Now, Sir, what hope can we have in future that if another " Emden " comes or if any other naval power threatens us, that we will be in a position to maintain a Navy at least to defend our coasts ? The British Navy no doubt, Sir, is a very powerful Navy, but it is so far away from us and its usefulness in an emergency on our shores, as we know from actual experience, cannot be so real as is sought to be conveyed to us. Sir, we do attach considerable importance to the question

of a Navy. At any rate, that was my view ; I was always maintaining that the geographical position of India is such that our land borders are provided by God with such impregnable mountain ranges that it is not possible for a foreign invasion through the land frontiers excepting through the passes of Khyber and Bolan. (*Lieut.-Colonel Sir Henry Gidney* : " Question ".)

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : All the invasions have come from there.

**Mr. B. Sitaramaraju** : If my Honourable friend had the courtesy to allow me to finish my point, he would have understood what I was going to say about those two passes. Now, my Honourable friend, Colonel Sir Henry Gidney, interjected the remark " question " when I said that we had got impregnable mountain barriers on the north protecting our land frontiers. Sir, I am very sorry that in spite of his having travelled six thousand feet up in these heights, he has not realized that fact. (Laughter.)

**Lieut.-Colonel Sir Henry Gidney** : That is not a fact. If it were a fact, England would never have taken India from the Mughals who invaded India from the North Western mountain passes.

**Mr. B. Sitaramaraju** : My Honourable friend has not read the history of India properly. If he will read that history properly and afresh, he will find the answer himself.

**Lieut.-Colonel Sir Henry Gidney** : Not in the history of South India.

**Mr. B. Sitaramaraju** : With regard to the two passes, the only vulnerable portions are the Khyber and the Bolan through which foreign invaders did invade the country in the past ; but the passes which were found practically passable by the strong forces coming from the north in those by-gone ages would not be quite so passable now armed with up-to-date engines of destruction. The efficacy of the modern gun was not available then. I am sure, if we had placed our modern weapons in those passes, it would have been found impossible for those forces to advance through these passes. (Laughter.) If the present advances in scientific methods of warfare which manufacture the big guns that could shoot missiles even thirty miles ahead were available then, things would have been different. However, my point is this, considering the impregnable nature of our land barriers, we have been maintaining a very large army for which we have been spending an amount of money that we can hardly afford—an amount entirely out of proportion to our ability to pay. All that we have been maintaining—and I do submit—and I have always been submitting—with such a heavy cost—are not at all necessary for this country. On the other hand, what we do require, for our real defence purposes, is a bigger Navy ; and, therefore, I think any amount of money that we can find for Government for this would all be in the direction of a desirable object ; and I should not in the least hesitate to agree if a large portion of the amount that we have been spending on our army were proposed to be diverted for building a Navy. As our quota is already included in the British Navy, we cannot possibly have the necessary Navy. The question is not funds, but our ability to increase the quota or vary it. Regarding the question of funds, I think that it would not at all be a waste of funds if such an Indian Navy is to be built. I would welcome any expenditure in that direction, because I consider that an Indian Navy is essential for



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purposes of our defence. Sir, I do not want to refer to this question of discipline. We all know that the discipline which obtains in the British Navy is universally considered to be a model, and, if that system of discipline is incorporated into the Indian Navy, there is nobody in this House who will say no to it. We shall always welcome that, and we shall always copy Great Britain in the matter of discipline.

Now with regard to.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : How long is the Honourable Member going to take ?

**Mr. B. Sitaramaraju** : I shall take some time, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now adjourn till tomorrow morning at 11 a.m.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 8th August, 1934.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 8th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### SHORT NOTICE QUESTION AND ANSWER.

#### INTRODUCTION OF AN AMENDED CANTONMENT BILL.

**\*Khan Bahadur Haji Wajihuddin :** Are Government aware that Cantonment people are very keenly watching the introduction of an Amended Cantonment Bill, proposing certain important reforms mutually agreed upon between the Government officials and the Cantonment representatives in an informal conference held some two years ago ; and, if so, will Government be pleased to state whether they are prepared to introduce a Bill during the life of the present Assembly ?

**Lieut.-Colonel A. F. R. Lumby :** It is true that Government are contemplating introducing legislation in the near future to amend the Cantonments Act in certain important respects. Their proposals are, however, still under consideration, and even if the pressure of other legislative business permitted such a thing, it would not be possible for them to introduce a Bill during the course of the present Session.

**Mr. Gaya Prasad Singh :** Are Government aware that the present Cantonment Act gives very wide powers to the Cantonment authorities and that they are turning out people from their private properties in many of the cantonment areas in the North-West Frontier Province ?

**Lieut.-Colonel A. F. R. Lumby :** Government are aware that there are many shortcomings in the Act, but I am not prepared to admit that the Act is defective in the respect to which my Honourable friend refers.

**Mr. Lalchand Navalrai :** May I ask, Sir, if that question will be considered when the Bill is framed ?

**Lieut.-Colonel A. F. R. Lumby :** I have no doubt that that question will also be considered.

**Kunwar Hajee Ismail Ali Khan :** May I know, Sir, when do the Government propose to introduce this Bill ?

**Lieut.-Colonel A. F. R. Lumby :** I hope it will be ready to be introduced in the next Session of the Assembly.

**Mr. Gaya Prasad Singh :** Are Government aware that the general dissatisfaction with regard to the provisions of the Cantonment Act was given expression to by a deputation which waited upon His Excellency the Commander-in-Chief sometime back ?

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**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order : We cannot discuss the Cantonment Act now.

### THE INDIAN NAVY (DISCIPLINE) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume further discussion of the Naval Discipline Bill.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, yesterday I said that if this measure were to be a mere disciplinary measure, and that if it is intended to be brought into line with the disciplinary powers which the British Navy possesses, we in this House will not have the slightest objection to give such disciplinary powers. The only other reason which was advanced to commend this legislation to us is the status which it would give to the Indian Marine by being converted into the Indian Navy. As a matter of fact, strictly speaking, this Bill really does not convert the Marine into Navy, but merely puts its *dhobi* mark to a legislation that was already enacted in the British Parliament converting this Marine into a Navy. Sir, even assuming for a moment that we have got this satisfaction of joining our hands with those of His Majesty's Government in trying to convert this Marine into a Navy, I am afraid that would be ignoring the history of this problem since, at any rate, 1612. From 1612 right up to 1862, we had, as a matter of fact, an Indian Navy, and it was only in 1884 that it was converted into a Marine. Off and on, it used to be either a Navy or a Marine just as it suited the purpose of the then Government. Whenever they wanted a combatant force, it was a Navy, and whenever they were satisfied with a non-combatant force, it was kept as a Marine. It was a question of the expediency. Therefore, it is not a new discovery of the merits of a Navy that prompted this legislation in the present shape and the Indian Marine is converted into a Navy. But it was converted into a Navy, as I said, recently under the Act of 1927 by the British Parliament. The British Parliament took that step without consulting this Legislature. Even in that House, a question was asked as to why the consent of this Legislature was not obtained before such a step was taken, and the Under Secretary of State, on behalf of the then Government, said that the Indian Legislature ought to have known the intentions of His Majesty's Government when they published their Departmental Committee's report. Sir, it is not necessary for me to comment upon such a remark. The fact, however, remains that this Legislature was not consulted and that there was absolutely no justification whatsoever for not doing so before they introduced the legislation in the British Parliament. It was said—perhaps very rightly,—that the original intentions of the British Government of 1884, when they converted the Indian Navy into the Indian Marine, did not exist particularly in view of the experiences of His Majesty's Government during the War in the light of the experience gained on account of the activities of the “*Emden*” as I remarked yesterday. They thought that it was necessary to have a combatant force in our waters to protect ourselves. Be that as it may, my point is this, that it is idle to say now that we have got a new status conferred upon us. The whole point, from our point of view, is, why did you make this change without consulting us ? My Honourable friend, the Army Secretary, referred to the amended section of the Government of India Act, section 66, and said, on the

authority of that amended provision, that we have no right even to have a self-contained Act for ourselves even though that self-contained Act would be in accordance with the provisions of the legislation enacted by the British Parliament. He said that was the legal position. He said further :

“ You have no right to have an Act for yourself ; all that you have got to do is, if you have got anything to do in order to satisfy any requirements which are absolutely your own and which were not contemplated by the British Act that you may make such additional provisions as may suit your conditions to the Government of England's Act, but you have no right to have a separate self-contained Act of your own.”

Sir, he also referred to the British Act of 1884 to emphasise that point of view, and when he referred to that, he thought that all that could be said have been said and nothing could be said further. Sir, I would like to invite the Honourable the Army Secretary to go a little earlier than 1884. I would like to invite him to go right from the beginning, from the year 1858. I said right from the beginning when I mentioned the year 1858, because, so far as the British Parliament and the British Sovereign are concerned, prior to 1858, in the words of Lord Palmerston, they themselves had no power. It was entirely vested in a certain mercantile community. Therefore, I start with the year 1858. In starting with the year 1858, I would like to say further that the proclamation of the Queen along with the enactment that was passed in the British Legislature are documents of great constitutional importance to us, because it would throw a light upon the terms, conditions and circumstances under which this country passed on into the hands of the Sovereign. In that connection I should like to read only a very short passage from the first Proclamation itself :

“ We hold ourselves bound to the natives of our Indian territories by the same obligations of duty which bind us to all our other subjects and those obligations by the Blessing of Almighty God we shall faithfully and conscientiously fulfil ”,

And there it was further said,—

“ We hereby appoint Viscount Canning to be our first Viceroy and Governor General in and over our said territories and to administer the Government thereof in our name and generally to act in our name and on our behalf, subject to such orders and regulations as he shall from time to time receive from us through one of our principal Secretaries of State.”

“ Assuming the direct Government soon after a bloody civil war and giving them pledges which her future reign is to redeem and explaining the principles of her Government, such a document should breathe feelings of generosity, benevolence, and religious feeling, pointing out the privileges which the Indians will receive in being placed on an equality,”

—mark the words.—

“ on an equality with the subjects of the British Crown and prosperity following in the train of civilisation.”

In referring to this document, I would like to say that, we acknowledged the Sovereign and the Sovereign had given us the right that She shall treat us with absolute equality with the other subjects of Her Majesty. In other words, this document does not give the right for the fellow subjects of Her Majesty to dictate to us and that we should be subordinates to her fellow subjects. We are all alike and equal before the Sovereign. With particular reference to the question of Army, I should like to read one particular passage from the speech of Lord Derby in

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1858 on the Government of India Bill. The 55th clause of that Bill deals with the first of these subjects. He says :

" It has been objected to that clause that it appears to interfere with the prerogative rights of the Crown inasmuch as it provides that none of Her Majesty's forces maintained out of the revenues of India shall be taken except in cases of urgent emergency beyond the frontiers of that country without the previous consent of Parliament. Now, it has been thought—and I confess that the wording of the clause makes it open to a construction which was not intended by its framers."

They did not intend that Parliament should assume control and that the transfer of these soldiers should be in any way controlled by them in a manner to restrict the powers or the prerogative which the Sovereign possesses. Therefore, there was a strong opposition to that clause and the Mover of the Bill, Lord Derby, says as follows :

" But your Lordships will recollect that although there is no prerogative of the Crown more indisputable than that of making war or peace, the constitution has provided an equally indisputable check on the practical exercise of that prerogative by rendering it necessary for the Crown to come to Parliament for the supplies necessary to raise and maintain the troops, without which it would be impossible to carry on a war. *But with regard to the troops in India there is, and there can be no such Parliamentary control.*"

Sir, on this last sentence I wish to lay stress. As I will presently deal, the ordering of the troops, the commanding of Navy and things like that are the exclusive prerogative powers of the Crown, but, so far as the powers of the Crown within the realm of the United Kingdom are concerned, those powers are curtailed as a result of the constitutional struggle which the English Sovereign and the English people have had for a number of years, but so far as the powers of the Crown with reference to the United Kingdom were concerned, there is no doubt as Lord Derby has said that those powers are maintained. But, as he says, so far as India is concerned, there is and there can be no such Parliamentary control. In some subsequent passages of his speech, he gave the reason why such a provision had to be made in the Act of the Government of India of 1858. The Queen was not only the Queen of India, but she was also the Queen of England. If the Queen were to engage Herself in a war with another nation, she has the prerogative right to do so, but she must have money to carry it. If she were to depend for that on the revenues of the United Kingdom, the British Parliament had the power to withhold funds and limit the exercise of prerogative power. Therefore, it could exercise a check upon that sovereign right by refusing the supplies. But, in the case of India, as no such control vests in the British Parliament, they were afraid that if the Queen of England were to go and utilise her armies of India and engage in a European conflict, they, the people of the United Kingdom, as the subjects of that Queen, will be dragged into the conflict without their consent. They wanted some sort of protection for themselves against the exercise of that prerogative power with regard to India. That is the reason why, in the original draft Bill, they said that Her Majesty should not use the Indian troops beyond the limits of Asia. As even that was too wide, they subsequently modified it by enacting that she should not exercise that power except for the defence of India. They merely stipulated for a safeguard against being dragged into a European conflict with the help of Indian revenues and troops, transcending the limitations imposed on her by the constitution of the United Kingdom. Therefore, they wanted that the prerogative power should be

restricted to this, that so far as India is concerned, she cannot utilise those Indian forces without the consent of Parliament for purposes beyond the defence of India. That being so, I should like to say that the present legislation, which interprets those provisions in a contrary way by Parliament assuming a control instead of keeping to the safeguard, is putting the position the other way round, and I consider that a legislation of this description, if such a provision is enacted by the British Parliament, would constitute not only an invasion of the rights of the Crown vested in the Crown as its prerogative power, but it is equally, as I shall presently show, an encroachment upon our inalienable right. It may be asked, how our position is materially improved by this power being absolutely vested in the sovereign from its being shared by the sovereign with the British Parliament. It is not necessary for my present purpose to go into that question, but for which purpose it is necessary that I should briefly observe the powers of the Crown itself.

The Crown, generally like all Crowns, has all the powers vested in it. The powers of the Crown are all-embracing. The legislative, the judicial and the executive powers are all vested in the Crown. These triple powers of the State are all vested in the Sovereign absolutely. Now, of those three powers, I am now directly concerned with the legislative powers. The legislative powers, it cannot be denied, are absolutely vested in the Sovereign. There can be no Parliament without the Crown summoning it, there can be no Act of Parliament without the Sovereign's consent. There can be no Parliament without the Sovereign. Parliament means, Commons, Lords and the Sovereign. It cannot even function without the Sovereign's orders. But so far as the United Kingdom is concerned, the absolute powers which the Sovereign possessed with regard to the Legislature after a constitutional struggle between the Crown and its subjects in the United Kingdom were to a certain extent limited. It is not necessary for me to go into that limitation exercised by these subjects within the United Kingdom. From our constitutional point of view, the Sovereign has got the legislative power, but the Sovereign has no legislative function. I hope, Honourable Members will draw a clear distinction between the legislative power and the legislative function. So far as the United Kingdom is concerned, the legislative function was vested in the British Parliament, whereas, in possessions beyond the realm of the Kingdom of Great Britain, wherever the Sovereign has not created a Legislature, that legislative function is not satisfied, and, therefore, the legislative function is discharged by a vicarious authority, the British Parliament. I refer Honourable Members to Jenkins' "British Rule" and also to the leading cases on that subject noted therein. I particularly refer to the case, known as Sandy's case, where it was observed that where the sovereign creates a Legislature beyond the realm of the United Kingdom and vests in that possession a legislative body, the legislative function of the sovereign is satisfied. And what was more important for us was that it was clearly and specifically stated that even the Sovereign, which vests the legislative function in another legislature, had no power herself to withdraw those powers once vested. It may refuse to sanction their Acts, but cannot deprive the function once vested. Therefore, Sir, my submission is that there can be no doubt that that is the legal position and also the proper position and that is the legitimate attitude for any reasonable person to take, because there can be *no two Legislatures in one State*.

[Mr. B. Sitaramaraju.]

Either the British Parliament must legislate for us for all purposes or we must exercise those powers. There can be no partnership. If they exercise those powers and want to take us only into partnership, we respectfully submit that that is a position legally untenable, constitutionally improper and morally unjustified. In stating this position, I may mention that I am not the discoverer of this point of view. If Honourable Members only care to read the constitutional struggle which went on for nearly a hundred years between Great Britain and Ireland, between Britain and the Colonies, they will find that this is a point of view that was not only pressed hard on Britain but finally had to be conceded by the British Parliament. If Honourable Members look into the circumstances under which the Renunciation Act in the British Parliament was passed, so far as Ireland was concerned, the whole of the circumstances and the struggles which led to the passing of that Act by which the point of view had to be conceded that the British Parliament should not legislate for Ireland would be evident. Further, I do not refer to the question of the United States of America, because, the constitutional struggle between the United States of America and the United Kingdom did not take a peaceful course of a constitutional agitation, but a much more serious aspect. The result was the loss to the United Kingdom of a great empire in America ; but with regard to the various small mushroom colonies that are scattered all over the world, the struggle was very bitter. Finally, in their case also, the struggle compelled the Government of England to withdraw the Registry Bill which they had enacted in the British Parliament, giving ultimately the success to the point of view that Parliament should not legislate for them. The position of India is even stronger than that of these colonies. I consider it as even parallel to that of Ireland than the colonies. No doubt the Honourable the Law Member is very much amused, but I would like to point out again that the whole point is this. ....

**The Honourable Sir Nripendra Sircar** (Law Member) : I can assure him that I am not amused ; I am rather oppressed by the length of the Honourable Member's speech.

**Mr. B. Sitaramaraju** : The whole point is this : that with regard to the various colonies and the British people settled in different parts of the country the law is that though they might have migrated from England, their own native home, still they are under law bound by the laws of the United Kingdom and they are expected to owe allegiance to the British constitution. But so far as India is concerned (I can say that it holds an exact parallel to Ireland), there is no inherent right for the British people to legislate for us and expect us to owe allegiance to the House of British representatives. The way in which this country was transferred to the Crown and the pledges that had been given would only make us feel that any act of legislation, when once a full-fledged legislature is created in India,—as we are expecting will be created now,—then the British Parliament should not have any interference with our Legislative Rights. In presenting this point of view, my main purpose is to have it on record, because I do consider that the British Parliament could not be said to have been encroaching very much prior to the year 1919, because the British Parliament on two occasions,—one on the question of the opium revenue and the other on the question of the Indian Civil Service,—passed

two motions, the one in the year 1892 and the other in 1894 ; in those days, the Government of India, being a strong government, did not allow the British Parliament to interfere with them, and the two motions which were passed by the British Parliament were not accepted by the then Government of India. So much regarding Parliamentary control prior to 1919.

Of late, the Government of India are only holding a watching brief for the Secretary of State and His Majesty's Government. A new orientation had taken place from the year 1919. For the first time, in 1919, when the salary of the Secretary of State was transferred from the Indian Revenues to the British estimates, the first link of controlling this country by the British Parliament was forged and the subsequent legislation of which this Navy Act is an important piece, and the legislation that is now contemplated are further measures to bring in more provisions to effectively control this country and bring it under the subjection of the British democracy more and more.

Without detaining the House longer, I wish briefly to state that this point of view that the British Parliament should not encroach upon our legislative rights, the principle fought by Ireland and the Colonies in the past was not pressed by us so far because the justification or cause for it has been only forcing itself upon us since 1919. Therefore, I wish to point out that the more control the British Parliament try to exercise, the greater will be the incentive to press this point of view, and, I wish to have it on record that this point of view is not only legitimate, but is just. With these words, I oppose the motion.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) : Sir, before I deal with this matter, I desire to offer my congratulations to the Army Secretary, Colonel Lumby, for his very excellent speech, and for the very lucid way in which he explained what has been to this House a sealed book, and also for the very fair and square manner in which he tried to dispel the suspicions that have been lurking in the minds of Members on all sides of the House. Having said this, Sir, let me remind Honourable Members that there is a common saying in colloquial English, when a thing is really not what it really is, *i.e.*, when it is a gross exaggeration or incorrect statement, to retort : "Tell it to the Horse Marines". I was tempted to ask, in view of the Royal Indian Marine never having, in the past, played the part of a Navy, whether this saying had its birth in the Royal Indian Marine in the past—not in the present, which, under the present able Vice-Admiral, is an effective Force. This Bill to my mind is meant to change the name of Royal Indian Marine into the Royal Indian Navy and to give statutory effect to the Indian Naval Discipline Act and so afford the Flag Officer Commanding the Squadron power to deal with his own budget without being, in any way, subordinate to the Commander-in-Chief for the expenditure of his annual budget of 67 lakhs. This object of the Bill, I am sure, will find support from all parts of the House. But let us see what the Royal Indian Marine really is. Very few people know that its ships are known in Bombay as the white elephants of the Government of India. It has a number of sloops, five I believe, one Depot Ship and two patrol boats. It is doubtful whether a change of name is going to improve its efficiency and make it more attractive to the youth of India ; I hope so. The Royal Indian Marine,



[Lieut.-Colonel Sir Henry Gidney.]

Sir, has had a very chequered career, as the last speaker pointed out. Indeed, history tells us that in the year 1830, it was called the Indian Navy. The present Royal Indian Marine had its life from, I think, 1686, when it was used to defend the trade of India against pirates, especially some very notorious pirates, one in particular named Angria. From that time onwards, it has been called by different names, until in 1929 a Bill was presented to this House, that had already passed both Houses of Parliament, but which was thrown out by this House by one vote. But despite that, the Indian Government, with the permission of the Home Government and the Admiralty, did effect certain changes in the Royal Indian Marine, in that it gave permission to its officers to wear the same uniform, but with different buttons to the Royal Navy, and His Majesty allowed the Royal Indian Marine ships to fly the White Penant and Ensign, and, so, we see the Royal Indian Marine as it presents itself today for improvement and conversion into the Royal Indian Navy. I mean its past position, almost like the Portuguese Navy consisting of Admirals and Captains and a host of other officers, but with no ships or men. But the Royal Indian Marine today, Sir, is a much improved and efficient arm of maritime defence. It has certain distinctive features and certain distinctive functions to perform. I think I am right in saying that its function is not a naval one. It is mainly employed in sweeping mine, for which they have a staff of officers which compares favourably with the Grand Fleet, and is also trained in signalling, gunnery and musketry training and so forth, but to say that it is a Navy in the strict sense of the term is absolutely wrong. Sir, I will not weary the House by going into the details of the composition of the Royal Indian Marine, except to say that of the sloops it possesses today though most of them are seaworthy, they take no part in defending the coasts of India, which maritime defence has been entrusted, since 1869, to the Royal Navy. Now, in introducing this Bill, the desire of the Honourable the Army Secretary and the Government of India is to so improve the Royal Indian Marine that it will form the nucleus of an Indian Navy. The Honourable Member has explained to us, with great emphasis and force, that the Royal Indian Marine today is not very attractive to the Indian lad, that ever since it was thrown open to competitive examination, only 51 candidates have appeared as officers and three have been selected, and that the total of Indian officers and officers-designate is fourteen. Sir, in this connection, I would like to point out that the Officer-personnel of the Royal Indian Marine is 118. The total ratings is 1,011, which gives a proportion of one officer to ten men. Now, what I would like to point out to the Honourable Member is this,—much as I agree with him that it is necessary to improve the Royal Indian Marine and to make it more attractive to the youth of India, I think, it would be much better, if one started the change not from the top, but from the bottom. We have in the Royal Indian Marine five sloops and three or four other smaller vessels, but this small Fleet has an officer-personnel out of all proportion and needs to its total strength of 1,011. Indeed it is so top-heavy with officers, as to amount to financial profligacy and, in my opinion, could, without loss of efficiency, be halved. It has a Vice-Admiral and various other staff officers, as Chief of the Staff, etc., and it seems to me that this personnel is an extravagance. I would suggest that in this Bill, we of the Committee, should be allowed to modify it in such a

way that we might be able to create a Navy starting from the bottom, with more ships and more men and not such a surfeit of officers.

**An Honourable Member :** Where is the money ?

**Lieut.-Colonel Sir Henry Gidney :** I know, the Army Secretary will say that this is impossible owing to financial stringency, but, then, why have a Navy in name and not in game. My desire is, if this Bill is to go to a Select Committee, that the Select Committee should be empowered to make modifications and recommendations which are outside the purview of this Bill. I think this will serve a very useful purpose. I, myself, think that we should really concentrate our attention more on the ships and their personnel, the lower personnel, than add to the cost of officers, as the cost is already hopelessly extravagant.

This Bill, when it was presented in 1928-29, was rejected by a margin, as the last speaker rightly pointed out, for various reasons, by a margin of one vote. The first reason was slowness of Indianisation. The Honourable the Army Member has rightly pointed out that the personnel of this fleet is so small that we cannot possibly satisfy all communal demands. That we will have 14 Indian Officers out of 117 officers in the immediate future, I think, shows a very rapid pace of Indianisation. I want Members on the Opposite Benches to realise that no Navy can be built in one day or a month or a year. It took hundreds of years for the British Navy to achieve its present perfect standard, and we must not think, when the pace of Indianisation is not to our liking, that the Government is not encouraging Indianisation. A too precipitous Indianisation would only ruin the object we all have in view. Sir, if we were to encourage and rapidly Indianise the Indian Navy as some Opposition Members demand, i.e., before they obtain their sea-legs, we would find most of the crew still suffering from mal-demere, or, to put it humorously, indulging in that naval song " a return of the swallow " (sea-sickness).

Sir, what we really want is a steady pace in Indianisation, because as in the Army so in the Navy, you must learn to crawl before you can walk, and you have to walk before you can jump. And we must not, in our desire to too rapidly Indianise the Navy, think that we can build a Navy all at once and recruit it entirely from Indians. Let us see what Indianisation of the R. I. Marine has really achieved. The lower ratings, about 900 strong, are entirely Indians. These Indian ratings are recruited mainly from two communities, Goanese and Muhammadans. The Muhammadans come from the Ratnagiri Coast and are the descendants of the old Mahratta pirates—they make excellent seamen. In this connection, may I point out to the Honourable Member, that he is recruiting Goanese from Goa, which is not a part of British India. I do not object to them. But by recruiting non-domiciled Goanese my Honourable friend is violating the order of the Home Department of the Government of India, which states that no foreigner can be enlisted in the Government of India without the sanction of the Home Department of the Government of India. I make this statement deliberately and purposefully, because, I ask, when you can get the best kind of recruits from Muhammadans in India, why should you recruit for the Royal Indian Marine from a country, Portuguese Goa, that is foreign to British India ? I should like the Army Member seriously to consider this point. The Government may talk about Indianisation, and try to do all they can in the new Bill, but the present Bill falls far short of the Air Force Act. The Air Force Act, when it was passed, gave us

[Lieut.-Colonel Sir Henry Gidney.]

great hopes, with an assurance, that the personnel would be recruited entirely from Indians, and when eligible Indians were not available, the British Royal Air Force would loan us personnel. This Bill, as far as Indianisation is concerned, falls far short in comparison of the desire of all of us, because it still intends to recruit most of its personnel from England and it is not a true, but a camouflaged attempt at Indianisation of the new Royal Indian Navy. Let me give you another instance of this camouflaged Indianisation, and I do so with all respect to the Honourable the Army Secretary, because I know he is sincere in his desire to Indianise the Royal Indian Navy. This incident happened sometime ago, not during his tenure of office. A few years ago, in 1924, one superior and seven wireless operators for the Royal Indian Marine were lent by the Posts and Telegraphs Department, they consisted mainly of members of the Anglo-Indian Community. In 1928, it was suddenly discovered that these men,—many of whom had served in the wireless stations in the remote coasts of Burma and Persia and other remote parts of the Indian Empire and had proved useful wireless operators,—were inefficient and incapable of doing the work of Royal Indian Marine wireless operators, and the Director General of Posts and Telegraphs decided that they should not continue the work and they were, in 1931, replaced by *ex-naval* ratings who were brought out from England on a high salary of Rs. 250 per mensem *plus* Rs. 60 rations. Does the Army Member call this a serious attempt at Indianisation? I call it an insult to one's intelligence and unworthy of any Director General of Posts and Telegraphs to undervalue his men. I hope the Honourable Member will consider this in his future efforts of Indianising India's new Navy.

The second reason for rejecting the Bill in 1929 was the cost. I know that some Members in this House consider the cost of the Royal Indian Marine to be exorbitant, but the Honourable Member has assured us that there will be no additional cost by the passage of this Bill. That means, in other words, that the development of the Indian Navy will be static. There will be no advance or serious attempt to give India a real Navy. I do not think that any Member of this House would be against starting a Navy which is to be really an Indian navy, provided the cost is within reasonable limits. I think, a Member in the 1929 debate said, that it did not matter whether it cost rupees two crores, he would be prepared to vote this amount for a navy on real lines and not a navy in name. Rs. 67 lakhs is the cost for the maintenance of the Royal Indian Marine and India gives an additional annuity of £100,000 to the British Government for the maintenance of the East Indian Squadron and the maritime protection of her enormous coast line. Personally, I think, that India receives a great deal for the little that she gives, because just conceive of the thousands and thousands of miles of Indian coast that the British Royal Navy is protecting at the ridiculous cost of only £100,000? But I am not complaining of that. What I am complaining of is that today we are maintaining two Navies for the protection of the shores of India, the Royal Indian Marine and the East Indies Squadron. The Royal Indian Marine is commanded by a Flag Officer Commanding who draws a salary, excluding a handsome sumptuary allowance, of over Rs. 3 000 per mensem, and the East Indies Squadron is under a Vice-Admiral, who draws a salary of over Rs. 4,000 per mensem. Here we have two navies in two watertight compartments. Can you conceive of any Indian Army consisting of two separate armies

in two watertight compartments ? I think that we should in this committee realise that the time has come when India should make a serious and practical start to develop her own Navy and not maintain two navies. I mean a real Indian Navy of our own, trained, at first, by British Officers, but with a hope of complete Indianisation in the years to come.

But apart from the cost, the most serious objection to my mind that was expressed against this Bill in 1929 was the constitution, or, in other words, the control of the Navy. Mention has been made, both by the Army Secretary and by the last speaker, my Honourable friend, Mr. Raju, that this Navy Bill is before the Joint Parliamentary Committee. As a member who attended that Committee, I can assure the House that not a word was spoken about it in my hearing.

**Mr. B. Sitaramaraju :** I never said that it was before the Joint Parliamentary Committee.

**Lieut.-Colonel Sir Henry Gidney :** I speak subject to correction, but I think, my Honourable friend said that his reason for objecting to this measure was to this effect : why hurry to pass this Bill when the matter is before the Joint Parliamentary Committee, or words to that effect.

**Mr. B. Sitaramaraju :** What I said was that the Honourable the Army Secretary was not justified in anticipating the constitutional changes with regard to the control of the Army and Navy.

**Lieut.-Colonel Sir Henry Gidney :** If that be so, I stand corrected, but at the same time, the impression on my mind was this, that one of the chief objections the Honourable Member urged against the acceptance of this Bill was, why hurry with the measure when Government had already expressed their opinion that there was no necessity for such hurry ? If he is serious in this objection, I ask the Honourable Member, why does he hurry for Indianisation of the Army, why not wait till the constitutional changes are known to India ? Again why hurry for Indianisation of the Indian Air Force, why not wait till the new India Bill is passed ? Surely, if you are really in earnest to Indianise the Navy and to get some control, why do you want to wait till the report of the Joint Parliamentary Committee is out, why not make a beginning at once, why waste time ?

**Mr. T. N. Ramakrishna Reddi (Madras Ceded Districts and Chittoor : Non-Muhammadan Rural) :** Because the Indian tax-payer pays every pie of the expenditure for the Army and the Air Forces, that is why we want Indianisation.

**Lieut.-Colonel Sir Henry Gidney :** I am glad the Honourable Member interrupted me with his observation, because that is just my view. I am with him in his desire to Indianise, but I ask him and the Opposition why delay and put forth as an excuse : " Let us wait for the report on the White Paper and the New India Act ? " Why not get a move now that we have this opportunity offered to us ?

**Mr. T. N. Ramakrishna Reddi :** Let the Government promise that the whole of the recruitment for the Navy hereafter will be Indian, then we shall give our support to it.

**Lieut.-Colonel Sir Henry Gidney :** I am afraid that the Honourable Member does not realise that you cannot make or Indianise a Navy overnight and that it will take many years before you can get a completely Indianised Navy. (Ironical " Hear,

12 Noon.

[Lieut.-Colonel Sir Henry Gidney.]

hear " from the Opposition Benches.) Does the Opposition want a toy Navy as is the Royal Indian Marine today? Does it want Indian Admirals, etc., before they have even acquired their sea-legs? If so, such a Navy will be full of men who will spend most of their time indulging in the pastime, I have already referred to, *viz.*, " a return of the swallow ".

I see Mr. B. Das is loudest in his ironical " Hear, hear. " I ask what does he—a land lubber—in particular, or any other in this House know about a Navy? We are laymen. But the Opposition in opposing this Bill are making use of the occasion, as a means to an end—regarding electioneering speeches and who stands more in need of such help than the camouflaged Congressite, Mr. B. Das?

Here, today, all of us are crying out for an Indian navy but the Honourable Member, Mr. Raju, in the course of his lengthy speech wants to delay the passage of this Bill, indeed to reject it. The Honourable the Army Secretary told us that the incompetency or rather the imperfections of the Royal Marine are largely due to the present state of things and that by passing this Bill he wants to make the Royal Indian Marine more attractive to Indian lads and more efficient. Then why on earth does the Honourable Member, Mr. Raju, indulge in dilatory tactics and ask the Government to wait for the report of the White Paper? You are not going to gain anything in that way at all. On the other hand, you are going to lose a lot.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Thanks to your membership of the Round Table Conference?

**Lieut.-Colonel Sir Henry Gidney** : Yes, Sir, and thanks in abundance to the absence of Mr. B. Das from these Conferences, or who knows, coming as he does from the land of earthquakes and fissures, he may have demanded an Indianised Navy for his Province, Bihar and Orissa.

My Honourable friend, Sir Abdur Rahim, when he spoke on this Bill last time, said that the Bill was not self-contained. At the same time he said that he was in favour of the introduction of British discipline into Indian Navy. That means to say that on its merits, my Honourable friend accepts the Bill and so I say any other reasons for its delay are not real and not substantial, but sentimental and artificial. It would be, I agree, much better if we had a Bill before us such as the 1887 Indian Marine Act, which was really self-contained and which was based, more or less, on the British Naval Discipline Act. But, Sir, this should not deter us from accepting this Bill and sending it to the Select Committee, where we can have opportunities of voicing our opinions and raise other matters than those contained in the Bill; in short that our amendments will not be strictly confined to the disciplinary clauses of the Bill, as presented to this House.

Another objection that has been raised, but one in which I do not think there is much weight is this : A fear was expressed by certain Members of the House that, by passing this Bill, it was the desire of His Majesty's Government to make use of the new Royal Indian Navy as part of the Imperial Naval forces for outside Imperial purposes. The Honourable the Army Secretary has honourably assured us that this is not so. though, in cases of emergency, it will be the duty of the Governor General to use his prerogative, but we are further assured that before the Indian Navy would be used for outside purposes, this House will be given an opportunity to express its views and give its consent. What else do we

want and after that assurance surely this suspicion should not exist ? After all when one realises that the new Indian Navy will consist of a few sloops, with a small personnel and that the total power and personnel of the Indian Navy is not equal to one British warship, there is absolutely no substance in the fear expressed by the Honourable Members opposite and to express such a fear only expresses the weakness and hollowness of their opposition.

The Army Secretary has tried very sincerely and very candidly to dispel our suspicions. He has certainly dispelled my suspicion. (Laughter by Mr. B. Das.) I find my friend, Mr. B Das, laughing in his usual inimical way. I do not care tuppence for Mr. Das's fear and suspicions. I personally have no cause to entertain any suspicions about the intention of Government. If you examine the outside opinions expressed on this Bill, it will be found it has earned the approval of many public bodies. The British Indian Association, which consists of the largest landlords of Eastern India, has, in its opinion, supported and given its blessing to the Bill and said that this is a move in the right direction. Indeed the Mahasabha has also supported it with certain stipulations. It certainly said that an Indian Navy, in reality and not only in name, was absolutely necessary for India. The Hindu Mahasabha in its report has certainly criticised certain aspects of this Bill, but, in the main it has supported its principles and admitted that such a move will give India its first step in the direction of creating and equipping its own Navy. Members on the opposite side who are opposing this Bill are, I venture to say, guided purely by sentimental and individual considerations. They do not seem to realise that, before India can acquire complete self-Government and be capable of undertaking her own defence, it must be in sole possession of its own Army and Navy. In stressing this point my desire is this : "to ask Members on the opposite side to dispel all suspicions left in their minds. My friend, Mr. Das, can talk more of earthquakes and things of that kind than of the Indian Navy, but I would ask even my friend, Mr. Das, to dispel all doubts and suspicions in his mind and whole-heartedly join the Government in its desire to give India its first step in the path of creating and maintaining its own Naval Force. I frankly admit that in changing the name of the Royal Indian Marine to that of the Royal Indian Navy will not avail us much. We do not want to start at the top and create a Board of Lords of the Admiralty. Let us have more ships and more men, but not more Admirals flying their flags on the heights of Simla, as in the *past* and as in the case of the Swiss Navy. I would ask my friends on the opposite side to view this matter not in an individualistic spirit, but in a national spirit, as I am trying to do. This Bill, if passed by this House, I am sure, would be to the eternal credit and blessing of India, and I do believe, even in its present form, that it presents no insuperable obstacle to the unanimous acceptance of this House to place it in the hands of a Select Committee, where we could but try our utmost to mould it to suit our needs. I, myself, feel that Government is to be congratulated on this its very helpful effort to assist us on our way to the attainment of self-Government in our country—India—whose interests we, in our own lights, are trying to serve. Sir, I support the Bill.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, if I intervene in this debate, I do so with a full sense of my responsibility and I would ask Honourable Members on this side of the House, as well as on the other side of the House, to

[Sir Hari Singh Gour.]

realise the implications of this Bill and to bring to bear upon the consideration of this Bill a few salient facts which I shall present to them. Honourable Members are aware that in 1925 and 1926 a departmental committee was appointed, presided over by the then Commander-in-Chief, Lord Rawlinson, which decided on the reconstruction of the Royal Indian Marine as a combatant force, to enable India to enter upon the first stage of her own naval development, and, ultimately, to undertake her own naval defence. The departmental committee decided that India must pay for her own naval defence, and, in consequence of the decision of this committee, the Government of India moved the Secretary of State to amend section 66 of the Government of India Act, and I will present to Honourable Members the *ipsissima verba* of the Under-Secretary of State for India when moving for the second reading of the amended section 66 of the Government of India Act, the true object and purpose the Government had in view in making the amendment. Let me give you his own words. The Under-Secretary of State for India said on the 9th March, 1927.—[I am reading from the House of Commons Debates, page 1269 :

“ I come now to the reasons for the creation of this new force, for the re-creation of the Indian Navy. After the War, for various reasons, the question of reorganizing the Royal Indian Marine as a combatant naval force, able to take its place among other navy forces of the Empire, came to the fore. It was examined by Lord Jellicoe in 1919, and by two separate Naval Commanders-in-Chief on the East Indian Station in 1922 and 1924. I think it was, as a result of the recommendations of the last of the two authorities, the Officer Commanding the Naval Force of the East Indian Station in 1924, that a scheme was laid before a Departmental Committee in India, with Lord Rawlinson as Chairman and with the Naval Commander-in-Chief among its members. The outcome was that the Committee's report was accepted by the Secretary of State, by the First Lord of the Admiralty and by the Government of India, and the announcement of the intentions of the Government was made in February, 1926. The policy declared in the announcement followed the recommendations of the Imperial Conference of 1923 and 1926, which were to the effect that the primary responsibility rests on each part of the Empire for its own local naval defence.”

Now, if I may supplement these words, I would point out to the Honourable Members on this side of the House that, immediately after the close of the War, two Committees were appointed. One was presided over by Lord Esher and the other by Lord Jellicoe. Earl Winterton was dealing with the Committee of Lord Jellicoe, and I am now anxious to recall the cognate recommendation of the Committee presided over by Lord Esher. These two combined Committees recommended that in all cases the combined forces of the Empire should be under Imperial control, and that the Army in India and the Army in England should, as regards its equipment and training, be such as to be able to take its field alongside the British Army in case of a national emergency. That was a recommendation which alarmed the First Assembly. Therefore, a Committee was immediately appointed on the motion of one of us, and on that Committee, we steadily protested against the subordination of the Indian Army for Imperial purposes. That Committee was presided over by the then Army Secretary, Sir Godfrey Fell, and, with the consent—mark the words—with the consent of Mr. Montagu, the then Secretary of State for India, we drew up a number of recommendations, one of which was, that the main purpose and the sole purpose of the Army of India was the defence of India. We then demanded that the Army of India should be brought under the same control of the Indian Legislature, and that fight, which began in the First Assembly of 1921, has continued down today.

My friend, Sir Henry Gidney, has told us that he was a Member of the Joint Select Committee of Parliament and not a word was said as to the future control of the Army and Navy of India....

**Lieut.-Colonel Sir Henry Gidney :** Not the Army.

**Sir Hari Singh Gour :** ..... of the Navy of India. Sir, I wish to point out to the Honourable Members of this House that that it is the established policy of His Majesty's Government that the Navy in India should be subject to the same control as the Army in India. Now let me give you the exact words to which I wish to draw your attention. The Under Secretary of State, dealing with the same point, at page 1271, expressed himself in the following terms :

"Someone may ask what opportunity will be given to the Legislature in India to deal with the Bill. The opportunity will be this. In the first place, this Bill cannot come into effective operation in India without consequential legislation by the Assembly, and when that Bill is discussed by the Assembly, there will be full opportunity of discussing the whole question of the Indian Navy. In addition, this new Indian Navy will be in exactly the same position in relation to the Assembly as the Indian Army is at present."

Those are the words of the Under Secretary of State for India, and Honourable Members can now visualize what their predicament would be if they became a consenting party to the creation of an Indian Navy, in which case the position of the Legislative Assembly would be exactly parallel to the position in which they stand in relation to the Army in India. They will vote supplies, or if they do not, they will be certified, and if the strictly logical out-come of the Government of India Act is followed, the Navy Budget will be non-votable, as is the Army Budget. Now, Sir, I wish, therefore, to point out to this House that if it becomes a consenting party to the passage of this Bill, they will be creating an Indian Navy for which they will have no responsibility and over which they will exercise no control. My friend, Sir Henry Gidney, and other Members on this side of the House have been asking for the Indianization of the Navy. That does not disturb me in the least. If every member of the Indian Navy was an Indian, I should not feel happy so long as the Indian Legislative Assembly had no control over its own defence, whether the Army or the Navy or the Air Force. (Hear, hear.) What the Indian public demands is control over the Army, control over the Navy and control over the Air Force. The Indian Army Act has been passed by the Government of India without the consent of this House. We have got, therefore, no responsibility for the Indian Army. But would you be willing partners in the passage of the Indian Navy Bill, the result of which would be to exclude the Indian Legislative Assembly from all control over the Indian Navy? That is the short question that I ask my Honourable friend, Sir Henry Gidney? Is he prepared or is he not prepared?

**Lieut.-Colonel Sir Henry Gidney :** I do not quite follow you.

**Sir Hari Singh Gour :** I would ask any Member of this House whether he is prepared to give his *imprimatur* to the Indian Navy Bill on the condition which would apply to the Indian Navy, namely, that this House will have no vote or voice in the control of the Indian Navy, and that the Indian Navy will be treated exactly on the same footing as is the Indian Army at the present moment? (A Voice : "Indian Army is non-votable.") My friend says in helplessness that the Indian Army is non-votable. But will you create an Indian Navy, an offspring of the



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elected majority of Indian Legislative Assembly, and consent to its becoming as non-votable as is the Indian Army ? That is the question to which I would ask for a reply. Will any Member of this House get up and say that he is quite prepared to give to the Government of India, irresponsible as they are to this House, the power to bring into existence the Indian Navy which would be entirely independent of the vote of this House and irresponsible to its views ? That, I submit, is the main question. I am not in the slightest degree perturbed by the question of Indianization or control or whether a few ratings were Indians or non-Indians. I am more concerned with the question of policy. So long as you have created an Indian Navy, you are responsible for it and not we, but when you come to us and ask us for our vote, and when after that vote you create an Indian Navy, you would then tell us tomorrow that this Indian Navy has been created not by us but by the vote of the Assembly, and that it knew that this Indian Navy would be exactly on the same terms and maintained on the same conditions as is the Indian Army of today. That, I submit, is a short question and let every Member in this House think over it. I appeal to every elected Member of this House, including Sir Henry Gidney.

**Lieut.-Colonel Sir Henry Gidney :** I am not an elected Member.

**Sir Hari Singh Gour :** Yes, you are not. But I ask every elected Member whether he is prepared to bring into existence a new force over which he will have no control whatever ? That, I submit, is the genesis of this Bill. In the House of Commons, when section 66 of the Government of India Act was sought to be amended by the Conservative Government, loud protests were raised by Mr. Lansbury and by Mr. Wheatley. Let me give you two passages from the criticism of one of the Members of the House of Commons, and you will then realise that when they, your friends in the House of Commons, represented your views and challenged the Conservative Government to pass into a legislative measure a Bill which would exclude the Indian Legislature from any control over the policy of the Indian Navy, what did the Government say ? In answer to him, the Under Secretary of State for India said :

“ I did not want to bring this Navy Bill in the House of Commons, but I do so because the people of India want it.”

That was the statement made in 1927, a statement which was challenged and successfully challenged by your predecessors in 1928. Mr. Wheatley, speaking on this Bill, said as follows :

“ I submit that if the Government resists this amendment, then the title of the Bill is a misuse of words. The supreme control of the Navy surely indicates its ownership.”

That is to say, the Indian Navy, which you will create and for which you will pay, will be under the supreme control of the British Admiralty. Let them create a Navy of their own, let them tax the people of India, but let it not be with the willing consent of the elected Members of this House. That is our only objection. We are powerless at the present moment to resist the actions of the Government of India, but we have a responsibility to our own people and, as elected representatives of the people, we must not forget that we are giving the irresponsible executive

a further power and control over the finances of this country. Mr. Wheatley further said :

“ If the supreme control is to be vested in this House, then this Navy ceases to be an Indian Navy and becomes for all practical purposes a British Navy. It is surprising that the policy outlined here should emanate from the Conservative Party. India is to be asked to pay entirely for its ships and its Navy. Every penny of the cost is to be met from revenue collected from the poor Indian people. (*Of whom you are the representatives : forget not.*) The Conservative Party comes along and ask us to accept the principle that, although the Navy is paid for by India and according to all the rules of propriety should, therefore, belong to India, we should insist on the right, when it suited our purpose, to be entitled to confiscate this Navy.”

In the time of war, and on any occasion, it will be a part of the British Navy although paid for by India and created by the willing co-operation of the elected representatives of the people of India. In another passage, Mr. Wheatley went on to say :

“ I want to take this opportunity of entering a most emphatic protest against the provisions of this measure. I do not know what case was or could be made out for the Indian Navy, but I know that no case can be made out for an Indian Navy which is not under the control of the Indian people. What we are asked to do here is simply farcical.”

So, you are asked to do here what is simply farcical. Vote for the Bill and create a Navy and then wash your hands of it. Sir, I cannot for a moment bring myself to believe that there will be one single Member in this House representing his constituency who would be a willing partner to the creation of such an Indian Navy and upon such terms. Now, listen to Mr. Wheatley's words :

“ We are asked to subscribe to a situation in which there will be an Indian Navy which may be taken away by the very people, who in certain conceivable circumstances may be India's chief enemy, and used by these people, while they retain in their power the right to say who is to pay for the Navy during the time it is being used without the consent of the Indian people.”

When this question was put, the Honourable the Secretary of State, I think with his tongue in his cheek, said this is the Navy which is being created with the consent of the people of India and if the people of India do not want it they will say so. This is the opportunity for you, the accredited voice of the people of India to say whether you want an Indian Navy upon these terms.

**Lieut.-Colonel Sir Henry Gidney :** Or do you want an Indian Navy at all ?

**Sir Hari Singh Gour :** We do want an Indian Navy which we will control.

**Lieut.-Colonel Sir Henry Gidney :** May I ask my Honourable friend if he will tell me whether he knows of any Indian Legislator or Legislatures in India, possessing adequate knowledge to control and administer any Navy ? To my mind, he knows what I say is correct.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadan Urban) : Does the British Parliament possess that knowledge ?

**Lieut.-Colonel Sir Henry Gidney :** There are duds there, but they have an Admiralty to advise them.

**Diwan Bahadur A. Ramaswami Mudaliar :** Here also there are some duds.

**Sir Hari Singh Gour :** Can my Honourable friend show me any part of the British Empire possessing the dignity which India does and which has an irresponsible Central Government like what we are blessed with here ? (Laughter.)

**An Honourable Member :** Irremovable executive.

**Sir Hari Singh Gour :** It is the same as an irresponsible Central Government. Now, I wish to point out that the Under Secretary of State for India in answer to the criticisms which were hurled against him from the Labour Benches said :

“ May I say in conclusion that I commend the Bill to the House for the reason that to the best of my belief,”

—mark the words, “ to the best of my belief ”,—

“ and the belief of my noble friend, the Secretary of State for India, and of the Government of India, it is desired by the people of India.”

The Under Secretary of State for India, in sponsoring this Bill for the creation of an irresponsible Indian Navy, permitted himself to say that he was acting as the agent of the people of India, and the Government of India in 1927 assured the Secretary of State that the people of India wanted such a Bill. Now, Sir, I need not comment upon this startling disclosure. Where did the people of India want to pay for an Indian Navy over which they will have no control, and which as it was pointed out in the House of Commons will be a part and parcel of the British Navy ? Sir, Honourable Members on this side of the House have been raising various questions in connection with this Navy, and, on a previous occasion, the Army Secretary said that there is no large policy involved and that it is just a change in name. But I will ask the Army Secretary to answer one question. If we permit him to change the name, in view of the commitments made in the House of Commons and the purpose adumbrated by the Under Secretary of State for India speaking on behalf of the British Government in the House of Commons, should we not be committing ourselves to the creation of an Indian Navy which will be wholly irresponsible to this House ? The second question that I wish to ask is this. It was said on the last occasion by the predecessor of our Honourable friend, Colonel Lumby, that there was nothing at all except a change of name and nothing further was intended or was implied. I have already pointed out to this House that that must have been a statement made under a misapprehension of facts. The object of it was very clearly stated in the House of Commons. The object of it was very clearly stated by the Departmental Committee over which Lord Rawlinson presided and, now, when the Army Secretary comes before us and says, it means no more cost beyond the cost that India is incurring and it simply means a change of name, we gasp for breath and ask ourselves one question. The Army Secretary of today may be succeeded by the Army Secretary of tomorrow and what will the Army Secretary of tomorrow say ? This bright jewel, this diadem in the British Crown, calls itself as being the owner of an Indian Navy with two sloops, and nothing more Gilbertian and nothing more farcical than this is conceivable. You, gentlemen, have agreed to create an Indian Navy. I am naturally bound now to create an Indian Navy worthy of the name. (Hear, hear.) The future Army Secretary will say so and if such a question is put what answer will you give ?

**Diwan Bahadur A. Ramaswami Mudaliar :** None.

**Sir Hari Singh Gour :** You will conceal your head in shame when you walk into the beautifully prepared parlour of the Army Secretary who says, walk into this and enjoy yourself and do not live in the wilderness. Sir, if this Bill is enacted into law, it will create a precedent unparalleled in the history of British Parliamentary institutions in that it would create an institution irresponsible and uncontrollable by the Legislature which gave birth to it. I ask, therefore, every Member of the House, to seriously consider before he passes his vote in favour of this motion. Sir, it is not a mere change of name nor indeed it has no additional pecuniary commitments. The Indian Navy, as was stated by the Departmental Committee, must be self-contained and self-supporting. I am not here free to speculate but every reader of newspaper knows what is going on in the Disarmament Conference in Europe and what a pathetic sight India presents as a Member of the League of Nations which costs to India 14 lakhs per annum.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : India is an Original Member of the League of Nations.

**Sir Hari Singh Gour :** In 1921, India became, and was acclaimed to the world as a self-governing Dominion, and, therefore, an original foundation Member of the League of Nations. But where is the vote of India and who is responsible for the vote of India ? Who casts the vote of India ? It is the Secretary of State. (Laughter.) India has the pleasure and the honour of paying 14 lakhs per annum, but poor unfortunate India has never known the blessings of the League of Nations beyond paying an annual contribution of 14 lakhs. (Hear, hear.) The Disarmament Conference has been going on in Europe and will result in the establishment of a quota for Great Britain. If such a thing happens, we can well understand that India as a foundation Member of the League of Nations will be given two dreadnoughts or so many cruisers to be the possessor of the Indian Navy. And it will be said, before the Disarmament Conference, that this is the Navy of Great Britain and this is the Navy of India. Remember, Sir, India has suffered a great deal in the past by her glorification of status to an equality with the other self-governing Dominions of the British Commonwealth ; but do not fall into this trap once more, because the moment you create an Indian Navy you will be liable to a certain quota, a quota for which you will pay and a quota for which you will not be responsible. I, therefore, feel that, when I see the environments around me, the powers in the East and the Far East arming themselves for the coming conflict, when I see the drastic and desperate efforts being made in the West for the limitation of armaments, that India may not, in a moment of hurry and scanty consideration, lend itself to a policy in which the revenues of India will be hypothecated but the people of India will gain nothing from the creation of an institution called the Indian Navy. I would ask every Member, occupying the Opposition Benches, to cast his vote against this motion. (Loud Applause.)

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this motion for reference to the Select Committee. This Bill has been seriously criticised on this side of the House and many Members have brought in your name and reminded the House that you took an important and leading part in opposing the Bill, when it came up before this House in 1929. But, Sir, it is well-known

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that much water has flown under the bridges since then and I do not know, whether if you had an opportunity now of sitting on the front Opposition Benches, you would have maintained the same attitude as you did on the last occasion. Men learn by experience and strong men are not unwilling to correct their wrong opinions formed on former occasions. One of my friends, who is an Executive Councillor in Madras, has recently given an instance in point. On former occasions, he had maintained that Andhra ought to be made a separate Province, but on this occasion, he reconsidered the whole position and re-examined all the facts and came to the conclusion that it would be disastrous to the interests of Andhra Province and to the Madras Presidency generally to separate that Province and other Provinces on a linguistic basis; and he had the moral courage to say that he had changed his opinion.

Much of the opposition has been based upon sentiment. As the Honourable Justice Din Muhammad has described in his opinion :

"The criticisms directed against the Bill, both when it was first introduced in 1928 as well as at the time of its present introduction, appear to me to be based more on sentimental grounds than on sound reason."

And I say, Sir, that even the principle of this Bill is based upon sentiment. What is the principle of the Bill? The principle is that the forces hitherto known as the Royal Indian Marine should henceforth be called the Royal Indian Navy. And the reason given is that it will add prestige to the men and officers in the Royal Marine, and so on. This again, I say, is a sentiment. Some may even ask, what is in a name and why change the name? But then, as it has been pointed out, it is a sentiment and I myself honour that sentiment. There is something in that name, and the change from the name of Royal Indian Marine to Royal Indian Navy means a great deal to the personnel of that force. Now, Sir, the opposition is based first on the ground that this House was not consulted by the Home Government, before they introduced legislation to amend section 66 of the Government of India Act in the British Parliament. The only way in which this House could have been consulted was to bring a Resolution for discussion in this House whether in the opinion of this House it was necessary to change the name of "the Royal Indian Marine" to the "Royal Indian Navy". I think that was the only course open, if it was intended to consult this House. The vote of this House could not have been taken on the introduction of a Bill for that purpose by the House, because this House at that time did not possess any authority to legislate on the navy question. The powers of this House are limited by the provisions of the Government of India Act, and until the amendment in section 66 of the Government of India Act was passed by Parliament, this House was not in a position to consider any question relating to the Indian Navy. From the tactical point of view, I do think that it would have been better for the Secretary of State and the Government of India to have consulted this House; but it is well-known in European politics that England is very blunt and is very wrong-headed in these respects. Had Lord Curzon, for instance, when he took over the lease of Berar from the Nizam, consulted the people of Berar as to whether they were willing to go under the administration of His Exalted Highness the Nizam, I am quite sure that the overwhelming majority would have voted in favour of not going under the administration of His Exalted Highness. But, Lord Curzon, as is well-known, was an Imperialist and

quite indifferent to the views of the public, and, therefore, without consulting the people or ascertaining their views he took over the perpetual lease of Berar from the Nizam. This has led to a number of difficulties all of which would have been avoided if he had taken a plebiscite or tried to ascertain the views of the people then. The result would have been the same. People would have remained under British administration ; there would have been a few people—I should say, a microscopic minority—who would have voted in favour of the transfer, and Lord Curzon would have been justified in taking over the lease and that question would have been settled for ever. But as is well-known, the Englishman is rather clumsy, and, therefore, is rather callous or indifferent to the views of others. He thinks that as he is doing good in his own way for the welfare of others, they ought to be satisfied and grateful to him. There he commits a mistake, but I do not think that mistake can be cured by any criticism in this House.

Then, another objection to this measure is that the future Navy of India will not be under the control of this House. It is well-known that the three branches of defence, *viz.*, Army, Air Force and the Navy ought to work as a united whole. It cannot be partitioned, especially in the matter of control. The control for all these services ought to be in one hand, and I shall be very glad when the whole control will be in the hands of the Government of India, responsible to this House. But until that time comes, I do not see that it will conduce to the discipline and well-being of any branch of the service to be separated in the matter of control—in fact to have divided control. The control over the Army at present is with the Government of India nominally, but really with the Army Council in England ; and this condition, it is evident, is to continue for some time longer. A beginning has been made to Indianise the Army ; but the pace has been kept so very slow, and the number of officers which will be required to Indianise the officer ranks has been increased to  $2\frac{1}{3}$  times more, so that it is very difficult to calculate how many years it will take to Indianise the Indian Army. Then, there is the question of the British Army, and so on. The pace, I think, has been kept very slow in the Army, and so also in the case of this proposed Indian Navy, or as for the present day Royal Indian Marine, it is also very very slow. The Honourable the Army Secretary has promised that the pace will be quickened, but the chief complaint is that young men of the requisite standard do not come forward. He has admitted that for the lower ranks, for the lascars and so on, the material is very good and plentiful. But his complaint is that for the higher ranks the material is not sufficient. I may point out to him that, in the case of sea service, it will not be easy to find material ready at hand. People who have a liking for the sea are to be found on the sea coast and especially among the fisher folk. These communities are quite illiterate, and steps will have to be taken by the Government by granting scholarships and other methods to educate the young boys from among these classes. My friend, Mr. B. Das, whose Province of Orissa is on the sea coast will be of much help to Government if they care to consult him in this respect.

**Mr. B. Das :** I am going to oppose the Bill : you will see later on.

**Mr. B. V. Jadhav :** But do not oppose the education of the fisher folk.

**Mr. B. Das :** That will be a provincial subject : I will see to it.

**Mr. B. V. Jadhav :** In the Province of Bombay too, much can be done in this respect. The Indian Marine Department has recognised the qualities of the Mussalman fishermen and boatmen on the Ratnagiri coast and the lower ranks are almost wholly manned by them. The other Hindu communities, such as the Bhandaris, the Kharvis, and the Daldis, and the Mahrattas on that side too, have a good deal of knowledge of the sea, and, if proper encouragement is given, I do not think that they will fail to supply the right sort of material for the officers ranks in the future Indian Navy. At present, the selection is left to a body, which sits at Imperial Delhi and is disposing of matters affecting the sea. Let them hold the examination at Bombay, or Calcutta, or Puri or Madras, and perhaps they may find more plentiful material coming forward.

Indians in former times have had their navies. It is well-known that the ancestors of the Chief of Janjira were admirals in the service of the Great Moghuls, and the founder of the Mahratta Empire, Shivaji, started his own navy when he realised the importance of it. That Navy was guarding the western coast of India, and proved itself an eyesore to the East India Company. It was a pity, Sir, that that navy was allowed to be annihilated by the later rulers at Poona, and there they took the help of the East India Company in putting it down. The commanders of that navy and the captains of the ships were all Indians and were drawn from the western coast of India, and they had at that time proved themselves quite efficient and quite able enough to fight with the ships of the East India Company. The scions of those houses will be very proud indeed to continue the history of their past services, and if proper steps are taken, I do not think that there will be a lack of suitable material coming forward to officer the Indian Navy.

At present, the strength of the Royal Indian Marine is very small, and I agree with my friend, Sir Hari Singh Gour, that at some future time, the Government may come forward and ask for some money and more grants to enlarge it and to fit it for the exalted name of an Indian Navy. But, Sir, there is no standard laid down as to how many ships, big and small, should constitute a navy. Small States in Europe and America have got very small personnel in their navy, and still they call themselves nations with a navy of their own.

As for the danger that as India is a member of the League of Nations and that in the future Disarmament Conference India will be allotted a quota which she would have to maintain, I think the quota will not go by dominion, but it will be for the whole of the British Empire Navy. It is well-known that all the constituent parts of the British Empire have got their armies and they have also got their naval forces, but when an emergency arises, and the forces of the whole Empire are mobilised, all these forces are pooled together and used against the common enemy. Therefore, I do not think, Sir, there is any danger of our status at the League of Nations which we have acquired by paying an exorbitant price, and also by paying a subscription of about 14 lakhs a year, being a drag in our way or that it will tie round our neck a bigger navy. I am not enamoured of this membership of the League of Nations, and I think that India does not derive an adequate benefit from it, and it would not be to our great loss if India were allowed to withdraw from her membership of the League of Nations. But, I do not think that in the matter of the Navy, the membership of the League of Nations will be prejudicial to us,

and that in any future decision that may be arrived at by the Disarmament Commission, if it ever succeeds, it will put down a quota of bigger ships and bigger equipment for India.

The Army Secretary, Sir, has assured us that for the present, for a few years more, there will be no increase in the expenditure on the Indian Marine. I am ready to accept that assurance. I see that the present personnel is paid on the same scale as corresponding officers of the Royal Navy, and, therefore, by the change in nomenclature, there need not be any extra expenditure. What will take place ten years hence, one cannot say.

As regards the control, I need not say anything further. It is a great constitutional question, and it will have to be fought out constitutionally, but for the present, I think, the change asked for may be allowed by this House.

**Captain Sher Muhammad Khan Gakhar** (Nominated Non-Official) : Sir, most of the previous speakers dealt at great length with the Bill from a legal and constitutional point of view, but my object in rising to speak on this measure is to make a few observations in support of the Bill, entirely from the defence of India point of view. Sir, the Bill under discussion had its origin as far back as 1925, when, as my friend, Sir Hari Singh Gour, said a departmental Committee was appointed by the Government of India under one of the greatest soldiers, I mean the late Lord Rawlinson, the then Commander-in-Chief, but my friend did not explain the object of the Committee. Sir, that Committee was appointed with the object of drawing up a scheme for the conversion of the Royal Indian Marine into a permanent fighting unit to be trained and employed on such service as that sort of force could undertake with that small strength and also without a considerable increase in the cost. At that time, it was also contemplated that by this means the nucleus of an Indian Navy more or less analogous to the naval forces of the Self-Governing Dominions would be provided for India and thus the reconstruction of the Royal Indian Marine as a combatant force would enable India to enter upon the first stage of her naval forces, and eventually to defend the coasts of India. That was the kernel of the whole problem. Now, this Committee presented its Report in 1925, and during the next two years the re-organization of the Royal Indian Marine force was carried out.

Sir, in 1927 a Bill was passed in Parliament amending section 66 of the Government of India Act which made provision for bringing into existence of the Royal Indian Navy, and this amending Act, amongst other things, enacted that the Indian Legislature would have power to apply with necessary modification the British Naval Discipline Act to the proposed Royal Indian Navy. In 1928, Mr. G. M. Young, the then Army Secretary, introduced this Bill to provide for the application of the Naval Discipline Act to the Indian Navy. The question of a navy is of national importance. Naval defence involves, firstly, the maintenance of a fleet of war for guarding the country's shores from hostile invasion and the other is the protection of Indian shipping in Indian harbours and the convoy of sea borne trade in Indian waters. The enormous coastline of India would be peculiarly vulnerable in war, if any power attacked the Indian shores. The Emden's visit in 1914 is sufficient to show what a tremendous damage can be done even by isolated raiders.



**Mr. B. Das :** What was the British Navy doing then ?

**Captain Sher Muhammad Khan Gakhar :** Many thousands of people of Madras fled away within a few days of the Emden's attack.

**Diwan Bahadur A. Ramaswami Mudaliar :** All foreigners, people from the Punjab and other places.

**Captain Sher Muhammad Khan Gakhar :** I hope that my Honourable friends from Madras would not delay the passage of this Bill, which raises an Indian Navy.

As regards Indianisation, the Army Secretary said that vacancies in the commissioned ranks would be entirely reserved for Indians if suitable candidates were forthcoming, and that facilities would be created by which the Indian youths of this country acquired the necessary training. The proportion of Indians he proposed was to be one-third for the time being, but when suitable candidates came forth, then this number would be increased. If we had at that time in 1928 allowed the free passage of this Bill, we could ask the Government now to increase the number of commissioned ranks to 50 per cent. or even more. But the Bill was delayed, and we are still in the stage of one Indian to two British officers.

**Mr. S. C. Mitra :** What about the Army ?

**Captain Sher Muhammad Khan Gakhar :** There is no denying the fact that you, Sir, in 1928, in your eloquent and instructive speech brought out many a logical argument, and the Bill was thrown out by a majority of one vote. But if I may say so, today you must be putting yourself this query : " Does India, with 5,000 miles of coasts and with the prospects of Swaraj, not require anything in the nature of naval defence ? " Yes, it must be as clear as day to us, when we have an Army and when we have an Air Force, why should we not have a Navy ?

**An Honourable Member :** Have you an Army ?

**Another Honourable Member :** Have you an Air Force ?

**Captain Sher Muhammad Khan Gakhar :** The so-called nationalists of India have glibly said, to quote the late Colonel J. D. Crawford, " You cannot hand over Government to us because you have emasculated us ". Again, have not the same section of nationalists been crying against the arms and ammunitions protection Act ? The other day the Bengal Council tabled a resolution to raise a Bengal regiment. I welcome the idea of my friends in the Bengal Council and I hope that my Honourable friends from Bengal in this House will press upon the Government to raise a naval battalion instead of an infantry, because naval service is superior to army service. I would further support my Bengal friends if they ask, when the first warship is built, that it be named ' Bengal Tiger '.

**The Honourable Sir Nripendra Sircar :** A tiger is no good on the sea.

**Captain Sher Muhammad Khan Gakhar :** Sir, the opportunity has been given to us to make the future architects of India really he-men, if I may be allowed to use this word, and the proposal is meeting with all the jans and jots from different quarters. Are we not to this end so jealously guarding the frontier against Soviet and Afghan invasion ? Are we not exposed to the naval attacks of Japan when the commercial

interests of Japan are so clashing with those of our country? Japan is today like the pre-war Germany simply bubbling with a spirit of chauvinism.

**Mr. B. Das :** Japan will attack America first and not India.

**Captain Sher Muhammad Khan Gakhar :** Therefore, the question on the anvil is of the greatest importance, the more so because we are on the threshold of the Constitutional Reforms. We must have an Indian Navy entirely officered by Indians if we aspire self-government. Without defence there cannot be any responsible government.

Before I conclude, the Honourable the Army Secretary mentioned in his speech three aspects of the Bill, expense, Indianisation and recruitment, and constitutional question. As regards the constitutional question, I leave it to the experts, but as regards recruitment, I must join with my Honourable friend, Mr. Jadhav, in his remarks about advertisement. The Army Secretary said that out of 51 applications 13 have been taken. I still say that there is lack of advertisement. There is good material and we can get many youths to come and take advantage of these opportunities. I may say that so far as my part of the country is concerned, very few people know about the prospects of this naval service. If my Honourable friend takes proper steps to advertise widely then prominent youths will certainly come in and they will fill the annual vacancies.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muhammadan) : As they did in the Army.

**Captain Sher Muhammad Khan Gakhar :** Yes, as they did in the Army. My Honourable friend, Mr. Raju, said, why is this hurry, let the Reforms come and then we can have our Navy. I would just tell him that, if this Bill had been passed in 1928, we would have got not 14 but 60 officers in the Navy. If this Bill is passed even now, within five years we will have about 50 officers in the Navy.

**Sir Hari Singh Gour :** Do you say this on behalf of the Government? Shall we take this as an undertaking by the Army Secretary?

**Captain Sher Muhammad Khan Gakhar :** I am speaking on behalf of my own. My Honourable friend, Sir Hari Singh Gour, spoke about the control of the Indian Navy. He said that so long as we have no control over the Indian Navy there is no use of passing this Bill, and he earnestly appealed to his friends, for God's sake do not give your vote. But I would ask him one question. There are three fighting forces, the Army, the Navy and the Air Force. The Air Force and the Army are already existing, and if he delays the passage of this Bill what will be his gain? He won't have his own Navy, but as we have an Army and as we have an Air Force, why should we not have an Indian Navy as soon as possible? He also said that the tax-payer of India pays the expense and they are raising the Navy for Imperial purposes. But my Honourable friend must remember that we are far behind in the matter of the Navy. Our Army is a first class Army in the world; in the Great War they have proved that they are not inferior to any soldiers in the world. As regards the Air Force, we have just raised it, and I am sure that it will prove as worthy as the Army. Then, why should we not have our own sailors who will prove to the world

[Captain Sher Muhammad Khan Gakhar,]  
that India has as good sailors as she has soldiers ? With these few words, I support this motion.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. B. Das :** Lest it should be misunderstood that, while the Deputy Leader of the Democratic Party was speaking, he was reflecting the views of the democrats in this House, I rise to oppose the motion which has been moved so ably by my Honourable friend, Colonel Lumby. My Honourable friend, Mr. Jadhav, who belongs to a martial community, and whose people are very much engaged as subordinate officials, not only in the Army, but also in the Indian Marine, has got a soft spot for the Indianisation of the Army and the Navy. Naturally, he has expressed his views on the point of Indianisation. But we are all opposed to the principle of the Bill, on the same ground which my Honourable friend, Sir Hari Singh Gour, expressed in such vivid and glorious language. Sir, my Honourable friend, the Army Secretary, completed the picture that was left out by his predecessor, Mr. Tottenham. Mr. Tottenham mentioned everything, but he omitted to mention the considered view of the Government of India regarding the constitutional question. I listened most carefully to the carefully considered words which flowed from my Honourable friend, Colonel Lumby, about the constitutional aspect in regard to which, we on this side of the House have taken such strong exception. I find that my friend threw no new light nor could he explain away the suspicions or the points that have been raised by us, not only in the debate that took place last Session but also in that debate in which you took part in 1928. Sir, people talk of Indianisation. To me it matters little whether half a dozen Indian boys are buried in the service of the Indian Marine or buried in some shops in Delhi or Calcutta. I am not interested in seeing how they earn their living. It is not a national problem, nor is it a national issue. The problem is whether India is going to have any control over her Army or Navy, and the Army Secretary, my Honourable friend, the gallant Colonel, made it clear, although he wanted to throw a smoke screen, and said that there may be something hidden behind the report of the Joint Parliamentary Committee and the new Constitution Bill that will be introduced in the House of Commons. The question of the Army was made completely clear in the White Paper, and if I understand it aright the way of the gallant Colonel,—I mean the other Colonel, Sir Henry Gidney—he challenged us as the Opposition in this matter. My friend, Colonel Sir Henry Gidney's position is very peculiar, not only in this country, but on the floor of this House. He sits in the European Benches. Sir, I am grateful to my European friends. They seldom use the word opposition and make that distinction. They do identify themselves very often with us. My Honourable friend, Sir Henry Gidney, who travelled from Bangalore to Bezawada and everywhere, received purses, and expressed his great gratitude to Saprus and Jayakars for having pleaded for the Anglo-Indian Com-

munity before the Joint Parliamentary Committee and reserved a system of special education for the Anglo-Indian community. He is a statutory Indian, but we shall soon hear my Honourable friend, Mr. James, on the Navy Bill, and I do not think my old friend, Mr. James, will address us as the Opposition. I was saying that the Army Secretary did not throw any further light about the constitutional position of the future Army in India as regards control of this Legislature. He rather said that there will be a Minister who will be in charge of the Army, and why should we be suspicious of the Governor General. As I conceive the White Paper, the Governor General will have two souls, one soul will be responsible to the responsible ministers, and the other will be to the army counsellors and the ecclesiastical counsellors and may be the political counsellors. If, we, elected representatives, are in this House, then it will be our duty to oppose tooth and nail the dual soul of the Governor General. The Governor General will administer the Indian Marine and the Indian Army under the dictates of the Army Council in Britain. This Indian Army is a mercenary one. This Army is maintained for the British Government, for British Imperialism. It is no pleasure to me, if my Honourable friend, the gallant Captain Sher Muhammad Khan, becomes a Captain, or as he dreams to be, the Commander-in-Chief of the Indian Army. It is no pleasure to me, because this Legislature and the nation will not be able to order the future Commander-in-Chief, Sher Muhammad Khan, to carry out certain military operation against a particular nation because the Army Council will order him to do something else.

It has been trotted out here that the Dominions have got navies and armies. Each Dominion might have a small navy and a small army. I call it an apology for an army when we consider the huge expenditure that we in India incur. I have got here the Defence Committee's Report, a committee of which my Honourable friends, Mr. Jadhav, Mr. Ramaswami Mudaliar and Colonel Gidney were members. Therein I find a statement giving the burden of military expenditure in different parts of the British Empire. Australia, which has got a receipt of 95 millions, both central and provincial, spends only 4.7 millions in net defence expenditure; Canada, with a total receipts of 96 millions, spends only 2.7 millions. The Irish Free State, out of an income of 31 millions, spends 2.2 millions. New Zealand, out of 25 millions receipts, spends only .9 on the army. South Africa, with a Government receipt of 33 millions, spends only .8 million on their respective defence, and India, with Government receipts of £131 million, spends £41 million and this comes to 62 per cent. of the Central expenditure, the latter being £66 million, and becomes 31 per cent. of the net total Central and Provincial expenditure; while in the case of the Dominions, they are all below ten per cent. Thus, in the case of Australia, cost of defence, is 5.8 per cent. in the case of Canada, it is 4.2 per cent. in the case of the Irish Free State it is 7.2 per cent., in the case of New Zealand, it is 3.9 per cent. and in the case of South Africa, it is 3.5 per cent. Yet, to hear Sir Henry Gidney saying that we must raise ourselves to the status of the Dominions, that we must have a Navy which will vie with the Dominion Governments, is absurd; and I do hope my Honourable friend, Colonel Lumby, will, when he speaks again, tell us what is the amount of expenditure of each of these Dominions in meeting the cost of their navy.

**Captain Sher Muhammad Khan Gakhar :** May I remind my Honourable friend that Canada has not a single enemy to contend with along the three thousand miles of her frontiers, while here in India, how many tribes we have got on our own frontiers ?

**Mr. B. Das :** Wait and see Canada joining hands with the United States of America ! Everybody knows what Canada is driving to ; and as for Australia, does not the British Navy guard Australia, is not Australia every day threatened by Japanese encroachment and encroachment from America ? But the British Navy guards it. Now we pay the British Navy a hundred thousand pounds, so it is the duty of the British Navy to guard us. I do not want to take a pride in the mere fact that there should be a so-called Indian Navy and in the fact that our boys can have some badges on their shoulders—" R. I. M. ". Does it flatter me to be a Member of this Legislature, which is at every stage flouted ?

**Mr. F. E. James (Madras : European) :** Does it flatter the Legislature ?

**Mr. B. Das :** How can it flatter the Legislature when, on every day, an irresponsible Government sits there and I cannot replace it, I cannot sit on the other side ? Does it flatter me or even Mr. James, the democrat of democrats ? No.

**The Honourable Sir Nripendra Sircar :** Would you like to sit on this side ?

**Mr. B. Das :** I would like to sit on the Front Benches, certainly, (Hear, hear), and I would like the Front Benchers to sit here and listen to our arguments on the other side (Applause).

Sir, my Honourable and gallant friend, the Army Secretary, voiced the feeling of the officers of the Indian Marine Service, and quoted a Captain of one of my Orissa ports, Captain Manfield. I very much sympathise with Captain Manfield but, while I sympathise with his little sorrows and little troubles, I have greater sympathies with my own sorrows and my own troubles. Sir, what we want here is complete control of the Army ; we want control of the Navy ; and while I was expecting in 1931, that I and my friends would occupy the other side, the Treasury Benches—and replace the front Benchers there, here in the year of grace 1934, I do not even visualize that in 1944 even, it will be possible for me to exchange places and to make this irresponsible Government responsible to the Legislature. So, Sir, when there is so much of disappointment to the nation, some people must suffer and, as we suffer, a few British officers when they accept service under Indians will have to accept them at a disadvantage, and knowing all that, if they accept service now, they will have to put up with it.

Sir, it was very sweet to hear from the Honourable the Army Secretary about the Washington Convention, which was dealt with by my Honourable friend, Mr. Sitaramaraju, so well, but I do wish to ask whether my Honourable friend, the Army Secretary, read the article in the *Statesman*, the second leader of this morning, where it shows the naval policy of the World Powers. The Washington Convention, whatever it may have been, was the pious idea of a pious lot of people who, after being chastised after the World War, thought they were settling down to peaceful habits and peaceful lives but, Sir, international diplomacy or

rather what is known as international bluff has failed ; so, although these Foreign Office diplomats have bluffed one another, and World Powers were building their armies and navies, when they were tired out, they again bluffed one another at Washington, Versailles and other places that there should be world peace and that they should reduce their armaments ; we know they cannot do that, and every day they are building more and more battleships and cruisers. Now they wanted to cripple Germany, but today Germany possesses an equal naval armament as any other foreign power possesses. (*An Honourable Member* : " Question ") If you know German naval secrets and German aerial secrets, you will realize that Germany is doing her utmost.

**Mr. S. C. Mitra** : It may be in respect of the army—not the navy.

**Mr. B. Das** : But Germany is trying to come up to the standard of Japan and the United States.

I was referring to the Washington Convention. I think it was the Right Honourable Srinivasa Sastri who was there, and who had the supreme privilege as a great Liberal Leader of India, to put his signature, with those of the representatives of the World Powers, to a document whereby the British naval quota is controlled by the Washington Convention. Sir, it is not, I say, controlled, and I still maintain that. Of course unconsciously, my friend, the Army Secretary, has replied to the various charges I often laid against the Government of India and the British Government that through the Indian Army and the Indian Navy the British Government are creating a force by which they will meet the Eastern menace, whether it is from Japan or from America or any other power. So that charge has not been met, and, however, innocently, the Army Secretaries may speak that this is not the intention of the Army Council in England, we will not believe them. Sir, one point has been raised ; apart from the constitutional issue, the other issue is the expenditure that will have to be faced if, helpless as the Non-Official Members of this Legislature are, we give our sanction to this Bill for the creation of an Indian Navy. Sir, I shall now refer to Mr. Tottenham's speech wherein he said that, unless there is a popular demand, Government will not spend more money. Let me quote him.

" \* Before the War, when the Royal Indian Marine was a non-combatant force, its cost amounted to about 68 lakhs of rupees a year.

The re-organised combatant force during the last three years or so has cost well under 65 lakhs, that is, less than what it cost before the War ; "

I thank the Army Secretary for having reduced this amount through the pressure of the Legislature and through causes of world depression. He further went on to say :

" and I think I can safely assure the House that there will be no large expansion or increase of expenditure on this force until and unless there is a popular demand for it. Personally, I think that a demand of that kind is bound to come sooner or later if India is to undertake her own naval defence."

It cannot come from this side. Of course, I find that my Honourable friend, Mr. Jadhav, has already made a demand like that this morning, but there are Captain Sher Muhammad Khans and Colonel Gidneys who will always make a demand for such things so that a few boys may be able to get jobs. My friend, Colonel Gidney, wants a further eight per cent. quota for the members of his community in the Indian Navy

[Mr. B. Das.]

when it will be created. I know what my Honourable friend, the Army Secretary, will do in the next Session. He will simply introduce a Bill and carry it through by the help of the majority which Government always commands, because of these Nominated Members or those elected Members who are as good as Nominated Members. They will always speak on behalf of India and support the Navy to show that there is a national demand in India for the expansion of the Navy. Therefore, we will have to foot the Bill of two crores. And what has been India's demand? India's demand is that the defence expenditure should be reduced to a minimum of 30 crores, if it can't be reduced further. Until that is done, we will be no party to sanction any more frantic ideas of naval expansion or army expansion, which will commit our successors into heavy expenditure. Sir, I wish to say one thing more. If Britain finds it necessary to discharge a certain obligation to Australia, to Canada and to South Africa, why should it not discharge similar obligations towards India, until we have full control of our own household. Even the Dominions met at Ottawa. They meet at the various Imperial and Economic Conferences and what do they tell to England? They almost tell Britain "go to hell; we have nothing to do with you; we will follow our own policy". Sir, South Africa has its trade representatives in Germany and other places. I would like to know from the Army Secretary, when he rises to speak, whether the British Parliament has amended the Constitution of South Africa or Canada or Australia to such an extent that they would have to provide Navy for the relief of the mother country when the mother country will be in a fix as not to be able to send battleships to the Eastern Waters. Certainly not. The Dominion Secretary will not have the courage to bring forward such measures in the House of Commons. But anything is possible for India, and the Whitehall Mughal, the Secretary of State for India, brought forward such a Bill. Sir, we know what is the attitude of the British people towards India when they can pass such a measure. If the British Empire is to be maintained, it is the duty of Britain to guard the coasts of the whole Empire. If "Emden" came and threw a few bombs or fired a few shots on Madras City, it was due to the inefficiency of the British Navy. It is certainly not due to any fault of India. And how much Britain spends on the Army and the Navy? She spends 115 millions. This is the figure which I have taken from the Simon Commission's report for the year 1928. It shows an increase of 48.9 per cent. on her pre-war expenditure, which was 77.2 millions, while India, which was spending in 1913, 22 millions, spent 44 millions in 1928, which means an increase of 100 per cent. So, there is no justification in asking this House to sanction any measure simply because it might enhance our reputation or, as my Honourable friend, Mr. James, pointed out in the previous debate, India would have the privilege and honour of flying a white ensign at one end of the steamer, and the flag of India at the other end, if she did have her own Navy. Sir, these things do not appeal to me, nor do they give any pleasure when I know that millions of rupees will be squeezed out of poor India to maintain an Indian Navy and which will be used to fire shots at us whenever we will show patriotic signs anywhere. My Honourable friend, the present Army Secretary, and also Mr. Tottenham, made it clear and gave us the assurance, that if Indian Navy will be

used by Britain, they will pay for it. They have paid for it occasionally, when the Indian Army has been sent to China and other places, but we do not want that sort of thing. It is against our national dignity and national honour that we should maintain an Army and Navy, which should be used by Britain, to augment her imperialistic policy and to oppress Asiatic nations. That is against the very principle and sentiment and religion of the Indian nation and of Indian patriots. Mr. Tottenham in his speech said that he had no sinister and ulterior motives behind the Bill. Nor have we on this side of the House any sinister or ulterior motive against Britain. We want to be friends, but unfortunately at every step the cloven hoof and the mailed fist is shown to us.

**Mr. F. E. James :** You cannot see the cloven hoof !

**Mr. B. Das :** It is concealed in the boots. Sir, how can we be friends ? They are always taking away something from us and never give anything. How can we show any friendship to England when we know our fate under the new Constitution ? We are all grateful to the Honourable the Law Member for the very noble work that he did in the Joint Parliamentary Committee and, if he can open his lips and break the seal on his lips, he will reveal a different story, and he will be able to tell us that for 50 years nothing is coming to India, and for 50 years the British Army will remain in India as a mercenary army maintained at the cost of India and always ready to fire shots at the Indians. So, Sir, my appeal to my Honourable friend, the Army Secretary, is to withdraw this Bill. There is no urgency as his predecessor admitted. There is no urgency at all. If you want to take it by jingoistic methods, take every thing by force. We do not object, if it is taken by force. It is not taken with my sweet will. It is always taken, whether I am willing or not. If the Army Secretary and the British Government really want to have the sanction of the people of India, I throw them a challenge. Let them wait till the new Constitution comes into force, let there be a Federal Assembly here. There will not be any officials, but I know there will be a block of Princes, 125 people, sitting somewhere in that corner. They will be there but yet a majority of them will be Indians. There may be a sprinkling of European administrators from these Indian States. They will then apply their brain and their intellect to the problem, and when that time comes, and if we feel that Britain has been fair to us, we would like to be fair to Britain. (Applause.)

**Honorary Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official) : Sir, I join my Honourable friend, Colonel Sir Henry Gidney, in congratulating the Honourable the Army Secretary on the very lucid statement that he has made, while presenting this motion before the House. The motion has been thoroughly discussed on both sides. Today and yesterday, we have heard a very learned and well delivered speech from the Honourable Member from Madras, Mr. Sitaramaraju, and the constitutional point has been very ably set-forth by my Honourable friend, Sir Hari Singh Gour, and it seems to me now that the opposition is based or rather is influenced by the decision of the predecessor of this Assembly in 1929. The Bill, as was pointed out by Colonel Sir Henry Gidney, was thrown out by a majority of one vote



[Captain Rao Bahadur Chaudhri Lal Chand.]

only. May I submit for the information of this House that the mentality of those days was different from the mentality of these days. (Hear, hear.) Even if those very Members had been present here to-day, their view point would have been different. In those days, the opposition was, as has been pointed out by Sir Hari Singh Gour, "we will not have a Navy in name, but we will have a Navy in game". In other words, the position then was, that either we will have a full dose or no dose at all. But now the position is different as is apparent from the move that has been taken by the Congress.

**Mr. B. Das :** On behalf of the Congress, I may tell my Honourable friend that they will oppose tooth and nail such Bills.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand :** As was pointed out so ably by my Honourable friend, Captain Shor Muhammad Khan, the Indian Navy is in its infancy and as was so ably explained to the House by Colonel Sir Henry Gidney, the Navy and the Army cannot be formed in the twinkling of an eye, and it takes years and years to develop the traditions that are necessary to form an army or a navy. I say the navy is in its infancy and we should not take up the position that we should have either a full-fledged navy today or we reject this. It will come to this. We take up the position that a calf should be killed simply because it is not a bull. In course of time, we will see this infant navy develop into what is before the mind's eye of the Opposition. So, I think the best position for us would be to accept what is laid before us and to look forward to the future Assembly that is coming with such vigour to ask for something more. My Honourable friend, Mr. B. Das, has brought in the question of expenditure, and he has pointed out the general proposition, as is his hobby, when he says: "we are not going to give more than 30 crores to the Army". On that point, I think, though it is not very relevant to this Bill, I have to say that if there is any department of the Government of India which has shown economy, it is the Army Department. Did we not see a big fall in the last years' budget and is not that the result of a very great economy in all the branches of the Army? In one respect,—and this is not the first time when I am saying this—the Army Department has given a lead in Indianisation. Indianisation is not of much use for the general tax-payer if the expenditure remains the same. In the Army Department, they have given us this lead, that while Indianising the Indian Army, they are reducing the expenditure in giving our Indian officers a lower scale of salary, than used to be given to their predecessors. I think, all should admit that, in the interest of the general tax-payer, Indianisation should mean that the Indians when occupying the places of Englishmen should get less salary. So when that mentality comes and when the Opposition moves that resolution and forces the present Government to give effect to this principle in the Civil Departments, then I say on the floor of the House, that I will be with the Opposition and I will vote for less salary to Indians.

**Mr. B. Das :** Five hundred rupees will be the maximum salary.

**Honorary Captain Rao Bahadur Chaudhri Lal Chand :** It is only in that way we can reduce the expenditure, not only of the Army, but of all other departments of administration. On merits, the Bill has not

been challenged. My Honourable friend, Mr. Raju, has very lucidly pointed out that, so far as the discipline sections are concerned, the Bill is based upon the discipline that is being observed in the English Navy and there is nothing to be said against it. With these few words, I congratulate the Army Secretary on having brought forward this Bill, and I support it.

**Diwan Bahadur A. Ramaswami Mudaliar :** Sir, the opposition to the Bill is not due to any lack of advocacy on the part of my Honourable friend, the Army Secretary. I must in fairness state that the Army Secretary has done his level best to put forward in a lucid speech before the Assembly a case for which he is not in the main responsible and the defects of which are not due to any laches on his part. If there is opposition on this side of the House to the Bill, it is due to circumstances over which the Army Secretary has no control, to the intervention of Parliament, and particularly to the unlucky speech of an Under Secretary of State who boasted in the name of the people of India that he had their support when such was not really the case. My Honourable friend, Sir Hari Singh Gour, has explained in the course of a lengthy and brilliant speech that the opposition to this Bill is due to the fact that this House does not want to sanction the establishment of a Royal Indian Navy when it has not got the power to control either its financial position or its ultimate destiny. It may be, and the Army Secretary in the course of his speech has pointed it out, it may be that some Indians were willing, as a transitory measure in the new constitution, to have the defence services reserved in the hands of the Viceroy ; it may be that they were willing to do so, and the Army Secretary is perfectly justified in pointing out that if the defence services are reserved then your opposition to the Bill on the ground that you do not control the Indian Navy, which will be constituted in the future, is not quite well founded.

But apart from the position that Sir Hari Singh Gour has taken up, I should like to refer to another aspect of the case. It is no use taking one part of our demands and putting that prominently before the House when you are not prepared, your principals are not prepared, to take the whole of the case that we presented either at the Round Table Conference or before the Joint Parliamentary Committee. What is happening today ? Some Non-Official Members, who went from India to these Round Table Conferences or the Joint Parliamentary Committee, trying to get a practical solution of the problem, the very great problem which faces both countries with reference to the future constitution of the country, were prepared in certain eventualities, in certain contingencies and in certain circumstances that the defence services should be a reserved subject. You take hold of that demand and you say : " Here you are, you are yourselves willing to concede that defence should be a reserved subject in the future constitution ; and that being so, how comes it that you object now to an Indian Navy which, *ex hypothesi*, you are prepared to grant, is a reserved subject ? " But I say again, have you taken the other side of the picture ? Have you accepted all our recommendations with reference to other departments ? Have you accepted our recommendations with reference to finance ? Have you accepted our recommendations with reference to various safeguards ? The White Paper came out, and this House had a full discussion on it and by a majority this House resolved that the White Paper was thoroughly unacceptable to this House and to

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the country and to public opinion in India, unless it was radically altered in many particulars. A deputation went out and delegates from this Assembly went out, prominent Leaders of Parties went before the Joint Parliamentary Committee, with the only hope that, by their advocacy or by their pointing out the practical issues that arise, by their pointing out the feeling in the country with reference to these issues, they will be able to modify some of the recommendations of the White Paper and get the Joint Select Committee to take a practical view of the case and modify those recommendations in favour of a greater and more popular advance so far as India and Indians were concerned. What is the present position? It does not require a prophet to say,—and I do not think any Member on the Non-Official side, European or Indian, elected or nominated, will deny it,—that the report of the Joint Parliamentary Committee is very likely to be a retrograde report, a report which will make the White Paper even worse than what it is. With that record, an absolutely certain record, if I may say so, from all the prognostications that have appeared in the papers, how can you come before us and say, “You have agreed to defence being a reserved subject, and, therefore, we bind you to the pound of flesh”? That is not fair, Sir. If you had accepted the other part of our case also, if you had widened the basis of reforms for this country, if you had accepted our proposals with reference to financial autonomy, if you had accepted our proposals even with reference to provincial legislatures and their powers over the provincial executives, if you had accepted even the diluted proposals with reference to this defence itself, granting for once that it was a reserved subject, those diluted proposals that I had the honour and the privilege of adumbrating before the Second Session of the Round Table Conference, and which had been so admirably summed up in the memorandum which the twelve Indian delegates had presented to the Joint Parliamentary Committee, then it was open to you in fairness to yourselves and in fairness to us to come forward and say: “Here is a matter which you have yourselves conceded is a reserved subject, and we have come to the logical expansion of this idea and now we place this Bill before you”. Further, I have no apology to tender for the attitude that my Honourable friend, Sir Hari Singh Gour, and most of us are prepared to take on this Bill on this side of the House. I have no apology to tender. On the other hand, I feel that we are fully justified and thoroughly justified in taking up this attitude that, if we cannot have that part of the case which we presented to Parliament, we will not have that part of the case which suits Parliament and which suits the Government of the day. Now, that leads me to another question. The Army Secretary,—I am referring to Mr. Tottenham now,—gave an assurance in his speech, and that assurance, he said, was with the approval of the Secretary of State, in the following words:

“I am, therefore, authorised to announce that it is the intention to consult the Indian Legislature, so far as may be possible, whenever any question arises of lending the Indian Navy to the Admiralty for operations other than in the defence of India. I can assure them that we intend to carry out that pledge not only in the letter but in the spirit.”

Many Honourable Members cheered the Army Secretary, when that assurance was given. I see from the opinions collected here that many of the gentlemen who have advocated the passing of this measure have been influenced in their views by this assurance of the Army Secretary. Now, I ask a plain question and I ask those who have

been following movements in Great Britain today, specially within the last few months, to give me a plain answer. What is this assurance of the Secretary of State worth to us? Can any Honourable Member say that this assurance is final, that it will be honoured, that it is a pledge which will be redeemed? Why, Sir, representatives of the King-Emperor himself have given assurances standing on that dais there. What do Members of Parliament, of the House of Commons, say with reference to those assurances? Viceregal pledges are asked to be treated as scraps of paper. I have been in England and following public opinion there. I have listened to speeches, not made merely by opportunist politicians like Mr. Winston Churchill, but made by much more responsible members of the Conservative Party, by men and women who hold official positions in the Conservative Party of England. And what have they said? They say that, unless Parliament was prepared to endorse those pledges, no pledge of the Viceroy was worth anything at all, no pledge of the Secretary of State is worth anything at all. I remember addressing a gathering of Members of Parliament, men and women, who were interested on Indian questions, in Westminster Hall, a meeting which was arranged by the kindness of that extremely courteous gentleman whom you, Sir, know very well, Sir Howard D'Egville. And I said that time after time the promise has been held out to this country that Dominion Status should be its goal and that the British Government and the British Parliament will work to the attainment of that goal for India. Then I quoted chapter and verse, beginning with the famous declaration of the 20th August, 1917, going through the declaration of His Majesty King George V himself, the declaration of His Royal Highness the Duke of Connaught, His Royal Highness the Prince of Wales and of successive Viceroys from that time. When I quoted all this to them, up came a Member, a very respected and honoured Member of the House of Commons, and high in the ranks of the Conservative Party, and said: "We are not bound by these declarations". Do you want the name of the gentleman or lady who said that? It was a lady, the Duchess of Atholl. (Laughter by Mr. F. E. James.) I do not know why my Honourable friend, Mr. James, laughed. And the gentlemen there said that Parliament alone is the ultimate arbiter in these matters: that all these pledges and promises were given without the authority of Parliament and were, therefore, not binding on Parliament; that Mr. Baldwin as the head of the Conservative Party had given a definite assurance to Conservative partymen in private conferences that they will have a clear hand, unhampered by any pledges whatsoever, to deal with the Indian question, and to do what they liked with reference to the India Bill, when it came before the House of Commons. If that is so, then I ask, what is the worth of these assurances given by any Secretary of State or given by any Viceroy? We have been repeatedly told, and it has been brought home to us time after time during the last few months,—and as Mr. Das said, my Honourable friend, the Law Member, if only he could have his lips unsealed for a moment, can bear me out when I say this,—that the great constitutional, practical and vital fact is that Parliament is the ultimate arbiter in these matters, and that pledges of any person, howsoever high he may be situated, are worth nothing before the ultimate decision of Parliament. Therefore, it seems to me that there is no use of placing these assurances before us; there is no use of quoting any Secretary of State. We had belief in these

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things. We are a very simple people, Sir, and we Indians are naturally not suspicious. My Honourable friend talked of suspicion about this Bill. No, we start with the position that we will take everything at its face value. We are not a suspicious people,—our whole record speaks about it. If we were a suspicious people, we would have started our suspicion from the days when Sir Thomas Roe landed on these shores and said he had only come to trade with us. It is because we are not suspicious, it is because we have taken you at your face value, it is because we have accepted every sentiment that you have expressed from time to time and accepted every proposition that you have placed before us,—it is for those reasons that we find ourselves in the unenviable position in which we are today. We are not suspicious ; on the other hand the biggest and best of us, the greatest politicians from Mahatma Gandhi downwards, if I may say so, or upwards, if I may say so alternatively, all of us, have said from time to time, “ The Viceroy has said so, Lord Irwin said so, Lord Reading said so, Lord Chelmsford gave this pledge, Mr. Montagu gave that other pledge and Mr. Chamberlain gave this other pledge ”, and you find men after men, whether it is in the Congress or in the Liberal Party or in the Justice Party or anywhere else, getting up and quoting these authorities, and saying, “ Oh, the British Government will not go beyond these pledges and beyond these statements ”. Does that show suspicion on our part ? We have swallowed your statements even when some of you never meant what you said (Opposition Laughter) ; I am telling you, quite frankly, the position as it appears to me. What has been the result ? Our confidence is nearly gone, almost blasted by the agitation that is going on in your own country, by the speeches that have been made by responsible men, by the defence which your Secretaries of State have had to enter during the past few months. We do not know the result. You may turn round and say, “ Mr. Winston Churchill represents a very small minority : he has no official position in the country ”. We on the other hand take your big men to be very much bigger than they really are in your own country : that is perfectly true. Mr. Winston Churchill is a name to conjure with. I am sometimes extremely depressed when I see the nationalist Press in this country seriously taking Mr. Churchill's utterances and thinking that Mr. Churchill's utterances count for anything in your country. That is perfectly true ; but my countrymen go by the record. They cannot imagine that a gentleman, who has been for 20 years a Member of the Government in one capacity or another, who has held every important position in your country short of the Prime Ministership, that such a gentleman would be expressing irresponsible views. You taunt us with irresponsibility on every possible occasion and say : “ Here are a set of people who do not have any sense of responsibility ”. And now, we are bound to admit, that your greatest man, your Chancellor of the Exchequer, under whom my Honourable friend, the Finance Member, served for five years from 1924 to 1929, is the very quintessence of irresponsibility. (Opposition Laughter.) That must be your case when you want me to believe that this agitation means nothing. That must be your hypothesis if you want me seriously to think that all this agitation means nothing. But it does not. It means something more. Mr. Winston Churchill has succeeded and has succeeded to an extent to which he did not dream he would succeed. It is perfectly true that the extraordinary and extreme statements that he has made from time to time, the die-hard attitude that

he has taken up, may not be adopted by the Joint Select Committee, but I think, it does not require any very great intelligence to realise that, because of that extreme attitude, the Joint Parliamentary Committee has had its attitude shaped, modified and to a certain extent formed. I do not think it is beyond the wit of man to realise that if the Joint Select Committee is going to put forward reactionary proposals, as it is feared in this country it will, it is largely because this unheard of die-hard agitation has gone on in Great Britain and has brought about results already manifest in the attitude that the Joint Select Committee is understood to be taking. Therefore, I venture to state that after all, if we look with suspicion on this Bill, it is not altogether unfounded. Why, Sir, who has not looked with suspicion on this Bill? I call to my evidence to corroborate what I am saying, Sir Henry Gidney himself. What was his statement? That he looked with suspicion on this Bill and that he was only satisfied after the Army Secretary's speech that his suspicions were unfounded. Therefore, *prima facie* my Honourable friend, Sir Henry Gidney, started with the same suspicion that I started with with reference to this Bill.....

**Lieut.-Colonel Sir Henry Gidney :** On a point of personal explanation ; I never said that. What I said was, with all respect to the Honourable Member, that this Bill has been looked at with suspicion from all sides of the House. As I was in the centre of the House and was not sitting on any of the sides, no suspicion lurked in my mind.

**Diwan Bahadur A. Ramaswami Mudaliar :** My Honourable friend is evidently shaping his views according to the geographical position in which he finds himself in the Chamber.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has no sides : he has only circumference. (Laughter.)

**Lieut.-Colonel Sir Henry Gidney :** Thank you very much, Sir : I am not the only one here who is like that. But might I amplify your remarks, Sir? I have not only circumference, but longitude, latitude and magnitude.

**Diwan Bahadur A. Ramaswami Mudaliar :** We all know that Sir Henry Gidney is a very charming man and he does not put on any side at all. That is the position in which we find ourselves today. Then there is the second point which is not an irrelevant or unimportant point. Why should we not have a self-contained Bill? If we are to pass the Bill at all in this Legislature, why should we merely be driven to this course of adapting an Act passed by the English Parliament? Why should we not have a complete legislation passed by this House? Why is not this House trusted to do that? Can it not do it? Is there anything wonderful in the Naval Discipline Act that has been passed by Parliament? I have gone through these sections, as carefully as I can, and I find that as much intelligence is available in this House to pass the remaining sections, as was available in the House of Commons to pass these particular sections of the Naval Discipline Act. Why is it that we are asked to pass half the provisions alone and have to refer constantly to the British Act for implementing the provisions of this Act? My Honourable friend, the Army Secretary, quoted with great effect the opinion of an officer who hails from Orissa, the Province of my friend, Mr. B. Das,—the Port Officer. Orissa Ports—and he practically read the

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whole of that opinion. But there was one portion which my Honourable friend, with a *naivete* that I do not usually associate with members of the Army, omitted to read. I shall make good that omission. This officer accepts the Bill as very good, it will encourage Indianisation ; it has been looked forward to by the officers of the Royal Indian Marine for years ; this officer particularly has himself been very much disgusted that in his lifetime this did not come into effect and he did not wear the uniform of the Royal Navy of England : all that he says. But there is only one criticism which he offers and that one criticism the Army Secretary has chosen to ignore. He says :

" I have only one criticism to offer regarding the Bill itself and that is its present form. As a simple sailor I should hate to have to unravel this confused mass of figures and inverted commas. Why cannot the Bill be printed plain and straightforward from beginning to end using exactly the wording of the Royal Navy Act, but with the corrections and alterations embodied in the very Act itself, instead of as proposed in the Bill now circulated ? To administer the Act in its present form will be extremely difficult. The Act is what I should describe as 'unseamanlike'."

And it is this unseamanlike performance that my friend, the Army Secretary, is presenting to the future Indian Royal Navy. I protest against that. I do not think it is necessary that this Bill should be in this truncated form, absolutely devoid of any sense if it is to be read by itself, but only making some sense if, with the greatest diligence and effort, you co-ordinate this Bill with the corresponding English Naval Discipline Act.

That leads me to another point on which I should like to have your ruling, Sir. When the Army Secretary spoke yesterday, I intervened with an interpellation and asked whether it would be possible in the Select Committee to take up any other section of the English Act which was not referred to in this Bill and to incorporate it in this Bill, either in its original form or in an amended form. The Army Secretary said that it would be perfectly open to the House to do so. Now, I should like to have your ruling, Sir, whether on this Bill it would be open to refer to sections which are not referred to in this Bill, but which are contained in the corresponding English Act and to suggest modifications and adaptations to those sections, or even to incorporate wholesale and bodily some of those sections in this Bill. It is an important matter, and if this House carries the motion that it should be referred to the Select Committee, my willingness to serve on the Select Committee will certainly depend upon the consideration whether I have a free hand to deal with the sections which are not in this Bill, or whether I should confine myself to alterations and amendments of the sections which the Army Secretary has chosen to bring forward as suitable for embodiment in this Bill.

May I have your ruling on this point, Sir ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair would like to hear the Honourable the Law Member first.

**The Honourable Sir Nripendra Sircar** : As I understand the point, Sir, my Honourable friend is asking us as to whether he can refer to other sections of the British Army Act. When this matter goes up before the Select Committee, he can by way of an amendment, bring in any section from any Act. So why can't he refer to other sections of the Army Act relating to discipline ? Probably I have not followed my friend.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I explain myself, Sir ? Ordinarily, if only a few sections of a big Act, an original Act, are affected by an amending Bill, then any amendment that is suggested in the Select Committee must relate only to those sections or to other sections which are consequential. Supposing you want to amend a particular section of the Code of Criminal Procedure, it certainly will not be open to me to take up some other section of the Criminal Procedure Code and say that that section requires an amendment, and, therefore, I should like an amendment to be made to that section. On the other hand, Sir, this Bill stands in a peculiar position. Section 66 says that the entire Naval Discipline Act can be amended by us, or modified by us, or as it says, adapted by us. Therefore, the whole of the British Naval Discipline Act is open before us, and it is for this Legislature to pick and choose whatever sections it likes out of it and suggest amendments. Now, in the peculiar form in which the Bill has been brought forward, I want to have the position cleared up, as to whether we are not at liberty to refer to other sections of the Naval Discipline Act of England and to suggest amendments.....

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Bill before the House is not an amending Bill. According to section 66 of the Government of India Act, the Indian Legislature is empowered to adapt the Naval Discipline Act of England, with such modifications to suit Indian conditions as the Indian Legislature may deem expedient. Therefore, when this Bill is before the Select Committee, it would be perfectly open to any Member in the Select Committee to ask for the incorporation of any section of the Naval Discipline Act, either wholesale or with such modifications as he wants to make. (Applause from the Nationalist Benches.)

**Diwan Bahadur A. Ramaswami Mudaliar :** I am very grateful to the Chair for elucidating the position.

Now, Sir, I have only one or two more remarks to make with reference to this Bill. Supposing this Bill is thrown out, what happens ? Each individual Member has imagined, according to his own likes and dislikes, all sorts of dangers and disasters which will overtake the Royal Indian Marine. Somebody suggested that Indianization will not take place. Another Member said that the Royal Indian Marine will not be in existence. A third person said that " Emdens " will come and shower bullets upon us and play havoc in the country. I think the Honourable the Army Secretary must have been laughing up his sleeves all the time listening to these very relevant and intelligent speeches. Now, Sir, what will happen if this Bill is thrown out ? Will the pace of Indianization be less ? They have already accepted the rate of one to two, that is to say, there will be one Indian for every two English officers, and they will continue to be recruited to the Royal Indian Marine, instead of to the Royal Indian Navy. The name will be different. That is all. The service will continue ; our 60 lakhs will continue to be placed at the disposal of the Royal Indian Marine. The amount even can be increased if the Viceroy and the Government of India think that it should be increased, and Indianization will go on just as before. It is a combatant service now. It is prepared to take its part in any defensive operations it is called upon to undertake, and, therefore, there is no danger that either Indianization will stop or that the country will be showered with bullets from all sorts of imaginary enemy maritime countries. No, Sir, my friend, the Army Secretary, was more



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cautious than that. He said that, somehow or other, he came to ascertain the views of these old gentlemen from Orissa,—and many of these old gentlemen who gave evidence came from Orissa (Laughter),—he has ascertained from these old gentlemen from Orissa, that Indians are not attracted to the Royal Indian Marine simply because it is not the Royal Indian Navy flying the White Ensign, but it is only called the Royal Indian Marine. On that point, I should like to have the opinion of my friend who represents the Congress opinion in Orissa, as to whether it is a fact, and whether Indian boys are not attracted to this service merely because the name is not changed. Sir, my friend, the gallant Captain, was more to the point, he was more correct, when he said that recruits are not coming to the Royal Indian Marine because of the inadequacy of advertisement on the subject, because it is not well-known that the service exists. As a matter of fact, many of us, before we came to this Legislature, were unaware that there was a Royal Indian Marine on a combatant basis, and that Indian boys could be recruited to it. It is perfectly true that the Public Service Commission sends out one of its occasional and elaborate advertisements. But publicity cannot be given on the same basis as the Indian Civil Service or the Indian Army; these things have received enough publicity, and that is why people are wide awake with regard to recruitment to the Army. So many Committees have been appointed beginning with the Skeen Committee, the Chetwood Committee and so on; the question has been debated at the Joint Parliamentary Committee, and also at various Sessions of the Round Table Conference, and the Indian public are wide awake to the fact that it is desirable to send young boys to the Army; but there has not been as much publicity in this country with regard to recruitment to the Royal Indian Marine, and perhaps even the Army Secretary will realise that this somewhat prolonged debate on a Bill which merely tries to repeat some of the sections of the Indian Naval Discipline Act will have done good in its own way, in that it would have given a certain amount of publicity to the existence of the Royal Indian Marine as a combatant force, to its future possibilities, and to the desirability of sending as many Indians as possible to this service as cadets. Therefore, even if we take the extreme step of rejecting this Bill. I can assure my Honourable and gallant friend, Sir Henry Gidney, that no such disaster will overtake either the members of his community or the members of my own community, that we shall be able to enrol our boys into the Royal Indian Marine, get the same pay, have practically the same status, be as useful in combating the raids of the “Emden” as on the reformed basis which my friend, the Army Secretary, has suggested, and that there will be no loss whatever to the country.

Now, Sir, one last point, and I shall have relieved the House of this tedium. It has been said that this Royal Indian Marine, converted even into the Royal Indian Navy, will be of such small dimensions that it will be practically negligible, and that all this talk of its being used outside Indian Waters, for purposes unconnected with Indian defence, is talk in the air, talk which does not mean anything at all, talk which does not take into consideration the actual realities of the situation. It is perfectly true that any armageddon such as we had from 1914 to 1918, a great European war, or if two great maritime powers like Japan and some other State,—I do not want to mention the name,—are involved, this small Navy will be of no use whatever; it will not be sufficient even to maintain the

defence of this coast line. It may have to get assistance from His Majesty's Navy. But the point of its being used outside Indian Waters is not exactly that. We do not suggest that in a great war this will be taken away. Probably when such a contingency arises, even the leaders of the Congress may be willing to stake whatever resources we have, so that the people and the country may be free from any disaster which will overtake a great war. But the sort of thing we are contemplating is quite different. Supposing there is some trouble to vested interests in Shanghai, and you want this Indian Navy to proceed there. That is a sort of difficulty which confronts us, if this Indian Navy is to be used for that purpose, without the sanction of the Legislature. It is there that India comes in conflict with friendly Asiatic powers without her own volition in the matter. Sir, at a conference which I recently attended, there was a good deal of discussion as to when a Dominion can be at war with any power with whom Great Britain is at war. There is a good deal of talk of indivisibility of sovereignty, that the King cannot declare war on behalf of one Dominion and peace on behalf of another Dominion. But, leaving aside the somewhat metaphysical question of the divisibility or indivisibility of sovereignty, I think it was fairly clear that so far as self-governing Dominions were concerned, their active volition must be there. Their express consent must be there if they should be drawn into active hostility with any power with which Great Britain is at war. We have asked repeatedly that the same condition shall prevail with reference to India, not that India is not willing to go to war with any country with which Great Britain is at war, but that, before any active hostility, before the theoretical hostility, which is established by the declaration of war by His Majesty King George, becomes a reality by active participation of the Dominions concerned, India should be in the same position and on the same level as any other Dominion ; that is, its active consent through the Legislature of that country should be taken before it can participate in that war. That is the point of view from which many of my colleagues on this side of the House object to the Indian Navy being utilised without the consent of the Legislature in any active participation in any war.

I trust that I have made our position quite clear. We consider that this Bill is premature. We consider that the proper time, at which its consideration can be taken up, is after we exactly know the picture, to use a very hackneyed phrase, and we know exactly the Constitution which is going to be adopted for this country. We consider that it is only then that we will be in a better position to decide whether we should have an Indian Royal Navy or go on in the way in which we are going on now. If our political status is such that neighbouring countries and other Dominions would laugh at us, it does not matter whether the status of the Royal Indian Marine remains where it is now and is not enhanced to that of a Royal Indian Navy. We consider that with reference to the user of that navy there ought to be the active acquiescence of the Legislature of this country. We believe that in the unsettled state in which English public opinion finds itself today, with reference to the constitutional progress of this country, the assurances of Secretaries of State, however inclined we were in the past to abide by those assurances, are worth nothing to us and we should like to have assurances from the only body which is capable of giving those assurances if the interpretations of British statesmen are correct, the House of Commons itself. And in those circumstances, we have no alternative but to recommend to our

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countrymen, and to recommend to those of my colleagues here on this side of the House who are prepared to hear the voice of reason and to utter forth the voice of public opinion,—we have no alternative but to recommend them to see, that this Bill is rejected. (Loud Applause.)

**The Honourable Sir Nripendra Sircar :** Sir, I had no desire to speak on this Bill, but the insistent request of my Honourable friend, Mr. B. Das, and my Honourable friend, Diwan Bahadur Mudaliar, and their question as to why I am keeping my lips closed, compels me to rise, because I do not want, by keeping silent, to be taken as agreeing to anything which has fallen from them.

† [ \* \* \* \* \* ]

As regards my Honourable friend, Diwan Bahadur Mudaliar's request, who added that if I but open my lips, I could tell this House something about what happened in the Round Table Conferences. My Honourable friend is in a much better position than myself, but he knows and I know, and we all know to our humiliation and to our sorrow that, when he asks Colonel Lumby : " why don't you admit ' our case ' ? "—he knows and I know that " our case " is meaningless. So far as the people who were present at the Round Table Conference were concerned,—and my Honourable friend is referring to them—there is no such thing as " our case ", because there is no part of the case where there was unity. There was no part of the case which was not opposed by some sections. Just as a famous association has now said on something which I am not going to mention, " We shall neither accept nor reject "—why, because some section of the community wants it—that is exactly the position with reference to everything which was presented at the Round Table Conferences. Does not my Honourable friend know that, whatever is now being strongly objected to, a fairly considerable section wanted that very thing which has now been described as an evil to be inserted ? Whether it is the Governor's powers, whether it is the safeguard, I ask my Honourable friend to cast back his mind and to say if I am not right in saying that there was no " our case " and that on every part of the case there was terrible dissension. The Hindu case was not the Muslim case, the Muslim case was not the Sikh case, the case of the majorities was not that of the minorities, and so on. I do not forget for one second that the people who were outside, many of them, said : " Oh, those who have gone to the Round Table are a set of toadies, *jo-hookums* and selfish people who have gone there for the sake of titles, and so on ". They may be right, or they may be wrong, but the question which was put to me by Diwan Bahadur Mudaliar referred to " our case " which was presented there in England by the people who had gone for the Round Table and the Joint Select Committee. Take up any matter. Take, for instance, a thing which has been most objected to, that is the power.....

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadian Rural) : On a point of order. May I know whether we are debating about the Round Table Conference and the Joint Parliamentary Committee's report or the Navy Bill ?

†This portion was expunged by the direction of the House—vide page 1468 of these debates, dated the 14th August, 1934.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable the Law Member was challenged by more than one speaker to say what he observed at the Round Table Conference. The insinuation was that if he did not speak, there might be something uncomplimentary to some one or other. The Honourable the Law Member is on his defence.

**Mr. Amar Nath Dutt** : My position is this. Is this the place where we can have challenges and counter-challenges ? It is on that point that I appeal to the President.

**The Honourable Sir Nripendra Sircar** : I shall not take up very much more time. Obviously my Honourable friend, Mr. Amar Nath Dutt, is not liking what is falling from me. If he does not like challenges and counter-challenges, why did he not object to those challenges to me being made ? Why did he not ask Mr. B. Das not to put forward such a challenge, and rise to a point of order. However, as I said, I do not propose, especially as some Members dislike being told the truth, to say anything more about the Round Table Conference. That is not relevant, but, Sir, you will excuse my saying so, from 11 to 4 o'clock, if you put down on a piece of paper what has been said today, if you find even .01 of that relevant, I shall be surprised.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : It is for the Chair to decide whether it is relevant or not.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member has already prefaced his speech by saying that he can make a joke. (Laughter.)

**The Honourable Sir Nripendra Sircar** : I am obliged to the Chair for coming to my rescue, but, Sir, I may assure you, that I do not take my friend, Mr. Lahiri Chaudhury, seriously at any time. I have very little to add. I have been asked to open my lips. I have opened my lips. What has come out is not very palatable, but everybody knows the truth and nothing but the truth. Now, as regards the Bill (Laughter), I find I have made a bad mistake, because at least in one sentence I have referred to the Bill, while others have not even done that. (Laughter.)

**Mr. S. C. Mitra** : I had no intention to take part in this debate, after the very excellent speech of my Deputy Leader, Diwan Bahadur Ramaswami Mudaliar, but the speech of the Honourable the Law Member just now in which he twitted Mr. B. Das has forced me to say a word or two.

(At this stage, the Honourable the Law Member was seen leaving the House.)

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : He is making a hasty retreat. (Laughter.)

**Mr. S. C. Mitra** : I do not want to go into detail, I only want to say a few words about the remarks that he made about my friend, Mr. B. Das. The Honourable the Law Member is a new Member to this Legislature and so, I think, the House will not mind his little lapses or his jokes, however irrelevant they may

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be. Sir, it is well-known to every student, who knows even the elementary principle of politics, how Party Systems prevail all over the civilised world. on what basis the Parties are formed, how the Party generally maps out and fixes the course of actions for the Members. On vital questions, individual Members, if and when they disagree, they generally resign from their Party, but so long as they are in the Party, they carry out the mandates of the Party. To belong to a Party is no slur. It may appear to be so to Members who have no knowledge of political science or the Parliamentary system that prevails the world over, but I think it cannot be a matter for ridicule or reflection on the conduct of my Honourable friend, Mr. B. Das, who is an old Member of this House. To be in a Party, and to generally follow its dictates, is no reflection on him ; it is not like carrying out Government orders blindly.

Sir, I like further to say that Orissa formed part of Bengal from time immemorial. We Bengalis were proud and we were anxious to keep the Oriyas with us in the same Province. We are not ashamed of having them. We never say, even in jokes, that the Oriyas are lacking in politeness or culture. Sir, I dissociate myself from what the Honourable the Law Member said. If he said that in a joke, I think it was an ill-mannered one.

**Mr. B. Das :** May I remind my Honourable friend that he started as a Munsif in one of the sub-divisions of Orissa, and that he often goes to the Puri temple to purify his soul in religious matters.

**The Honourable Sir Nripendra Sircar :** That is so. I started at Orissa and whatever defects my friends will find in me are due to my having been in Orissa. (Laughter.)

**Mr. S. C. Mitra :** It may be that lack of courtesy was imbibed early, but not from Orissa ; but I know, an eminent lawyer that he is, when he is in the wrong, he will begin abusing the opposing counsel, and in this spirit he has done his best to take Mr. Das to task. As regards the Bill itself, the point has been discussed at great length. I really wanted to know what was the principle of this Bill to which the House will be committed by this motion. If it is merely that there should be discipline in the Indian Navy, I think there is not the least doubt that nobody on this side of the House will object to that, but as I understand it, and the point has been exhaustively discussed by my friend, Diwan Bahadur Mudaliar, if we are here merely to register our views on some supplementary points, the main ground being covered by the British Act, then the House will naturally hesitate to record its vote without proper scrutiny. Your ruling, Sir, has now made that point clear that in the Select Committee we shall be at liberty to take any section of the main Act of the British Parliament and may alter it and adapt it to suit Indian conditions. Then some of our objections will be eliminated. In these circumstances, I shall not go into further detail at this stage.

**Lieut.-Colonel A. F. R. Lumby (Army Secretary) :** I am only a land-lubber, but I am rather inclined to agree with my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, that there is something unseaman-like about the form in which this Bill has had to be placed before the House. It is, however, based on the Bill by which the Naval Discipline Act was applied to the Australian Navy, and so India will not be in bad company if the House agrees to accept the Bill in spite of its form. Your

ruling, Sir, has made it clear that the whole of the Naval Discipline Act will be before the Select Committee, and that, as my Honourable friend, Mr. Mitra, has said, makes a very distinct difference. I am no constitutional lawyer and I could not, even if I tried, pick holes in my friend; Mr. Sitaramaraju's exposition of constitutional law, but I have no doubt that there must be a flaw somewhere in his argument, or else it would not have been possible to apply this Act to the Australian Navy.

I do not propose to go back into ancient history beyond 1928, and I am not prepared to start arguing whether we were wrong, or only tactless, to bring a Bill to create an Indian Navy before the House in those days without previous consultation. You, Sir, certainly considered that we were not only tactless, but wrong. My point, however, is that six years have passed since we took that action, whether it was tactless or wrong, and what we did then would no longer be a valid reason for opposing this Bill today, however valid a reason it may have been when the Bill was originally thrown out, largely, Sir, through your instrumentality.

In my speech yesterday, I tried to allay the suspicions of the House regarding expense and Indianization, and I said that I realized that the main objections, which this House felt to the Bill, lay in the constitutional position. I quoted the revised section 44A of the Government of India Act to show, that the amendments made to that Act in 1927, which will become operative if this Bill is passed, represent a very considerable advance from India's point of view. I would like to read that section again :

“ Any naval forces and vessels which may from time to time be raised and provided by the Governor General in Council shall be employed for the purposes of the Government of India alone.”

There was nothing of that kind in the Act of 1884, which gave His Majesty's Government complete power to take over the service in times of emergency. In addition, I referred to the intention of Government to consult the Legislature in cases where it was proposed to loan ships of the Indian Navy, to His Majesty's Government for purposes other than the defence of India. It was in what I said next that my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, did not perhaps quite catch my meaning. I went on to say that I had to deal with the probability that Defence under the new Constitution would be a reserved subject. I did not wish to imply that there was any suggestion of taking advantage of those Members of the Indian Legislature who went to the Round Table Conference and agreed to such a limitation ; I was merely stating a fact. And from that fact, I drew the inference that, there were only two alternatives before the House—either to stand still as regards the Navy, or to go forward. I said : “ Is it the desire of this House that the naval forces of this country should retain their present inferior status until Defence ceases to be a reserved subject, or should advantage be taken of the present opportunity of obtaining for them the full status of a Navy ? ” Sir, there is really no difference between the points of view of any of us, except in the matter of time. We all of us want the Indian Marine to become the Indian Navy ; it is merely a question of when this step should be taken. I urged the House to accept the second of my alternatives, and to take the present opportunity of giving the service the added status

[Lieut.-Colonel A. F. R. Lumby.]

of a Navy, largely because this step has got to be taken sooner or later, for it is the first step in building up the Indian Navy of the future. If it is not taken now, it will merely mean that the clock will be stopped for a number of years. For that reason, I personally feel very strongly that there is a great deal to be said for overlooking the undoubted constitutional disadvantages and accepting the fact that the passing of this Bill will give the Marine itself an increased status, and its personnel a benefit which they have been looking forward to for a long time and which will undoubtedly do good to the service as a whole. It is because I think that the passing of this Bill will be of advantage, not only to the service but also to India, that I say that I cannot accept my friend, Mr. Das's challenge to withdraw this motion. (Loud and Prolonged Cheers.)

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to inform the House that Khan Bahadur H. M. Wilayatullah is not here (*Voices* : "Louder, please ; we cannot hear you"), and I should like to move that Maulvi Shafee Daoodi's name may be substituted for that of Mr. Wilayatullah.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The question is :

"That in place of Khan Bahadur Wilayatullah's name, the name of Maulvi Shafee Daoodi be substituted."

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That the Bill to provide for the application of the Naval Discipline Act to the Indian Navy be referred to a Select Committee consisting of Diwan Bahadur A. Ramaswami Mudaliar, Maulvi Muhammad Shafee Daoodi, Mr. D. K. Lahiri Chaudhury, Mr. B. V. Jadhav, Mr. Gaya Prasad Singh, Kumar Gupteshwar Prasad Singh, Rao Bahadur M. C. Rajah, Sir Hari Singh Gour, Mr. S. G. Jog, Sir Leslie Hudson, Captain Sher Muhammad Khan Gakhar, Sir Abdullah-al-Mamin Suhrawardy, Lieut.-Colonel Sir Henry Gidney and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Assembly divided :

AYES—53.

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Anklesaria, Mr. N. N.  
Bagla, Lala Rameshwar Prasad.  
Bajpai, Mr. G. S.  
Bhore, The Honourable Sir Joseph.  
Brij Kishore, Rai Bahadur Lala.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Ghuznavi, Mr. A. H.  
Gidney, Lieut.-Colonel Sir Henry.  
Grantham, Mr. S. G.

Morgan, Mr. G.  
Mujumdar, Sardar G. N.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Nihal Singh, Sardar.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Perry, Mr. E. W.  
Rafuddin Ahmad, Khan Bahadur Maulvi.  
Raisman, Mr. A. J.  
Rajah, Rao Bahadur M. C.  
Ramakrishna, Mr. V.  
Rau, Mr. P. R.  
Richards, Mr. W. J. C.  
Row, Mr. K. Sanjiva.

Trigg, The Honourable Sir James.  
 Dockenhull, Mr. F. W.  
 Hudson, Sir Leslie.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur  
 Sardar Sir.  
 Kamaluddin Ahmad, Shams-ul-Ulema  
 Mr.  
 Lal Chand, Hony. Captain Rao Baha-  
 dur Chaudhri.  
 Lee, Mr. D. J. N.  
 Lindsay, Sir Darcy.  
 Lumby, Lieut.-Colonel A. F. R.  
 Metcalfe, Mr. H. A. F.

Sarma, Mr. R. S.  
 Scott, Mr. J. Ramsay.  
 Scott, Mr. W. L.  
 Sher Muhammad Khan Gakhar, Captain.  
 Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Talib Mehdi Khan, Nawab Major Malik.  
 Trivedi, Mr. C. M.  
 Zakaullah Khan, Khan Bahadur Abu  
 Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir

## NOES—34.

Abdul Matin Chaudhury, Mr.  
 Abdur Rahim, Sir.  
 Aggarwal, Mr. Jagan Nath.  
 Azhar Ali, Mr. Muhammad.  
 Badi-uz-Zaman, Maulvi.  
 Bhuput Singh, Mr.  
 Das, Mr. B.  
 Dutt, Mr. Amar Nath.  
 Gour, Sir Hari Singh.  
 Gunjal, Mr. N. R.  
 Jog, Mr. S. G.  
 Lahiri Chaudhury, Mr. D. K.  
 Lalchand Navalrai, Mr.  
 Liladhar Chaudhury, Seth.  
 Mahapatra, Mr. Sitakanta.  
 Mitra, Mr. S. C.  
 Moly, Mr. H. P.

Mudaliar, Diwan Bahadur A. Rama-  
 swami.  
 Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Neogy, Mr. K. C.  
 Pandian, Mr. B. Rajaram.  
 Pandya, Mr. Vidya Sagar.  
 Patil, Rao Bahadur B. L.  
 Phookun, Mr. T. R.  
 Rastogi, Rai Sahib Badri Lal.  
 Reddi, Mr. T. N. Ramakrishna.  
 Roy, Rai Bahadur Sukhraj.  
 Sen, Mr. S. C.  
 Shafee Daoodi, Maulvi Muhammad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampan, Mr. K. P.  
 Uppi Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 9th August, 1934.





## APPENDIX.\*

**Mr. N. E. Gunjal** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I strongly support the Bill to repeal Regulation III of 1818 which is brought forward by the Honourable Mr. Amar Nath Dutt.

In the year 1818, the Mahratta Kingdom of Poona came to an end, and the Union Jack was hoisted up on the Shaniwar Wada and the *Bhagwa Zanda* was brought down. It was with the help of Shrimant Balaji Punt Natu that the British were able to proclaim their rule over the Maharashtra and the whole of India. The descendants of those very persons who helped Government then and other patriots are now subjected to the oppression of this law. The law was made when the present day Councils had not come into existence.

Government has expressed a surprise that this side of the House should have supported abolition of this Regulation when the terrorist movement and other like movements are active in the country. I would say in reply that this argument of the British Bureaucracy is only an indication of their physical weakness. Have they no strength to crush down terrorism with the help of their mighty police ? They already have enough laws and judges at their disposal.

But, with laws alone Government cannot curb the terrorist movement ; because it may be said that the repressive laws themselves give rise to terrorist principles. I am of the opinion that, if Government have a real desire to put a stop to these outrages, they should respect public opinion.

Fourteen years have elapsed since the death of Lokmanya Tilak, my political *guru* : I remind Government of what he said regarding these repressive laws. He said : " These repressive laws are antiquated and one-sided ; and, if in these days of advanced civilization such laws are brought into use, the British Bureaucracy shall have to bear the consequences ". Sir, the late Honourable Mr. Gokhale also characterized these actions of the Bureaucracy of oppressing eminent Indians under antiquated and one-sided laws as puerile.

The Honourable Captain Lal Chand has opposed this Bill. I do not, however, attach any value to his opposition, since he is only a nominated Member, but I would warn Mr. Anklesaria, an elected Member as he is, to mind the consequences of his opposition. We, elected Members, ought to represent the views of the people of the country, although the Government happens to command a majority in the House at present.

As far as my memory goes, a Resolution recommending the repeal of this Regulation was moved and passed by this House in 1924 ; and an opportunity was afforded to Government to lessen the rigour of this law ; unfortunately the Government did not avail of it. Not only that, they have made use of this measure more freely than was recommended by the Repressive Laws Committee. It is a mere hypocrisy on the part of Government now to oppose this Bill. If you don't keep your promises, people cannot repose confidence in you.

With these words, I support this Bill on behalf of the Nationalist Party and the Maharashtra country.

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\* Translation of a speech delivered in Marathi on 2nd August, 1934 (*vide* page 942 of these debates).



## LEGISLATIVE ASSEMBLY.

*Thursday, 9th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### EUROPEANS AND INDIANS SERVING IN THE OFFICES OF THE SECRETARY OF STATE AND HIGH COMMISSIONER FOR INDIA.

497. \***Sirdar Harbans Singh Brar** : Will Government please state the number of Europeans and Indians serving in the offices of the Secretary of State for India and the High Commissioner for India, who are in receipt of over Rs. 300 per mensem ?

**The Honourable Sir Joseph Bhore** : The information required, in respect of the office of the Secretary of State for India, is not available. As regards the office of the High Commissioner for India, information is being collected and will be furnished to the House in due course.

**Mr. Lalchand Navalrai** : Is not the information already known to the Government of India ?

**The Honourable Sir Joseph Bhore** : No, Sir.

#### STAFF IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

498. \***Khan Bahadur Haji Wajihuddin** : (a) Will Government be pleased to state the total strength of the staff employed by the Imperial Council of Agricultural Research, which is paid from the annual grant given by Government, or from the grant of the funds at the disposal of the Imperial Council of Agricultural Research ?

(b) Will Government be pleased to state how many of them are Mussalmans ?

(c) Will Government be pleased to lay on the table a statement showing the names and salaries of all the persons employed by the Imperial Council of Agricultural Research ?

(d) Do Government propose to give effect to the recent Resolution of the Home Department regarding the 25 per cent. proportion of Muslims in Government service ?

**Mr. G. S. Bajpai** : (a) The strength of the staff on the Administration side which is paid for from Central Revenues is 51, and on the Research side which is paid from the funds of the Council is 111.

(b) Sixteen on the Administrative side and forty-one on the Research side.

(c) Statements are laid on the table.

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(d) In the ministerial and inferior ranks, this percentage has been exceeded. In the gazetted ranks, both on the technical and administrative side, there is a deficiency. Every endeavour will be made to rectify this.

*Statement showing the names and salaries of officers and establishments employed under the Imperial Council of Agricultural Research Department as on the 4th August, 1934.*

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
<b>GAZETTED OFFICERS.</b>		<b>Rs. A. P.</b>	
1	D. B. Sir T. Vijayaraghavacharya, K.B.E., Vice-Chairman.	Pay .. 3,208 5 4 Pension.. 791 10 8 <hr/> 4,000 0 0	
2	Mr. B. C. Burt, C.I.E., M.B.E., I.A.S., Agricultural Expert.	Pay .. 2,750 0 0 O. P. .. £13 6 8	
3	Colonel A. Olver, C.B., C.M.G., F.R.C.V.S., Animal Husbandry Expert.	Pay .. 2,750 0 0 O. P. .. £13 6 8	
4	R.S. Malik Charan Das, I.S.S., Secretary.	Pay .. 1,100 0 0	
5	R. S. Tej Bhan Bahl, B.A., Superintendent.	640 0 0	On leave till 16th November, 1934.
<i>Ministerial Staff.</i>			
1	Mr. Bazlul Karim .. ..	400 0 0	Officiating as Superintendent <i>vice</i> R. S. Tej Bhan Bahl, on leave (acting pay Rs. 680).
2	Mr. P. M. Sundaram .. ..	260 0 0	
3	Mr. Mohammed Shafi, Librarian	365 0 0	
4	Mr. P. S. Sundaram .. ..	245 0 0	
5	Mr. T. S. Krishnamurti .. ..	230 0 0	
6	Mr. Amar Nath, Cashier .. ..	300 0 0	<i>Plus</i> S. P. Rs. 50.
7	Mr. Shams-ud-Din .. ..	180 0 0	
8	Mr. V. Padmanabhan .. ..	196 0 0	<i>Plus</i> P. P. Rs. 8.
9	Mr. M. H. Sultan .. ..	124 0 0	
10	Mr. H. C. Thapar .. ..	132 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
11	Mr. M. Y. Burney .. ..	108 0 0	
12	Mr. N. R. Srinivasan .. ..	106 0 0	
13	Mr. Kasturi Lal .. ..	106 0 0	
14	Mr. Nazir Ahmad .. ..	106 0 0	
15	Mr. B. Chatterji .. ..	106 0 0	Plus P. P. Rs. 8.
16	Mr. Mohammed Sanaullah .. ..	106 0 0	
17	Mr. Sardar Mohammed .. ..	122 0 0	
18	Mr. Ajudhia Prashad .. ..	102 0 0	
19	Mr. Ramji Das Mohindra .. ..	106 0 0	
20	Mr. Shanti Lal Dung .. ..	125 0 0	Employed in a temporary post created for a period of 4 months.
21	Mr. M. L. Chatrath, Stenographer.	237 8 0	
22	Mr. Abdul Gani .. ..	225 0 0	
23	Mr. Harnam Singh .. ..	312 8 0	
24	Mr. E. Parthasarathi .. ..	225 0 0	Plus D. A. Rs. 50.
	<i>Inferior Staff.</i>		
1	Bija Ram, Record Sorter .. ..	37 0 0	
2	Ahmad Din, Duftry .. ..	22 0 0	
3	Mohammed Din, Duftry .. ..	19 0 0	
4	Amar Singh Duftry .. ..	19 0 0	
5	Gya Pershad, Jemadar .. ..	30 0 0	
6	Purbi Din, Jemadar .. ..	27 0 0	
7	Debi Ram, Jemadar .. ..	26 0 0	
8	Kesru .. ..	22 0 0	Officiating 2nd class Jemadar vice Sadhu Ram on foreign service.
9	Debi Din .. ..	16 0 0	Officiating Dafadar vice Kesru.
10	Chandu .. ..	16 0 0	
11	Paras Ram .. ..	15 0 0	
12	Mohammed Ismail .. ..	15 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
13	Mohammed Ali .. ..	15 0 0	
14	Durga Ram .. ..	15 0 0	
15	Chingoo .. ..	14 0 0	
16	Mohammed Nazir .. ..	14 0 0	
17	Musaddi .. ..	14 0 0	
18	Gulam Mohammed .. ..	14 0 0	
19	Ganga Pershad .. ..	14 0 0	
20	Durga Ram II .. ..	14 0 0	
21	Abdul Wahid .. ..	14 0 0	
22	Madan Singh .. ..	14 0 0	

*Statement showing the names and salaries of officers and establishments employed under the Imperial Council of Agricultural Research as on the 4th August, 1934.*

*I. Staff employed at the Headquarters of the Council.*

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
	<b>GAZETTED OFFICERS.</b>	Rs. A. P.	
	<i>Technical.</i>		
1	Mr. A. M. Livingstone, Marketing Expert.	2,500 0 0 Plus O.P. £ 13 6 8	
2	Mr. R. D. Kapur, Chief Economist	600 0 0	
3	Mr. M. Valdyanathan, Statistician	600 0 0	
	<b>NON-GAZETTED OFFICERS.</b>		
	<i>Technical Staff.</i>		
1	Mr. K. P. R. Kartha ..	230 0 0	
2	Mr. Subramanyan Iyer ..	190 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934	Remarks.
		Rs. A. P.	
	<i>Ministerial Staff.</i>		
1	Mr. Shyam Swaroop, Accountant	420 0 0	Appointed by the Accountant General, Central Revenues, as his representative as a primary auditor of the research accounts of the I. C. A. R. (The Council pays only average cost of the post, viz., Rs. 379-10-0.)
2	Mr. B. B. Saksena, Assistant ..	200 0 0	
3	Mr. Baksh Illahi, Assistant Accountant.	167 8 0	
4	Mr. A. A. Shakir, Assistant ..	140 0 0	
5	Mr. N. S. Lakshmanan (on leave). (Mr. Nadir Shah, offg. on Rs. 60 per mensem).	125 0 0	
6	Mr. V. N. Kohli, Clerk .. ..	120 0 0	
7	Mr. T. R. Rajagopalan .. ..	120 0 0	
8	Mr. Mahfooz Hussain .. ..	100 0 0	
9	Mr. Abdul Rahim .. ..	80 0 0	
10	Mr. Man Mohan Singh Manchanda	75 0 0	
11	Mr. V. Rangacharia .. ..	75 0 0	
12	Mr. Amar Nath .. ..	75 0 0	
13	Mr. Mohd. Din .. ..	75 0 0	
14	Mr. Hans Raj Bahl .. ..	75 0 0	
15	Mr. Pran Nath .. ..	75 0 0	
16	Mr. C. S. A. Subramanyan ..	75 0 0	
17	Mr. Nihal Chand .. ..	75 0 0	
18	Mr. Nasrat Ullah .. ..	60 0 0	
19	Mr. Chaman Lal .. ..	60 0 0	
20	Mr. K. V. Nanjundiah .. ..	60 0 0	
21	Mr. Hamid Ali .. ..	60 0 0	



Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
	<i>Inferior Staff.</i>		
1	Sadhu Ram, Jamadar ..	26 0 0	<i>Plus compensatory allowance Rs. 4-8-0 and H. R. allowance Re. 1.</i>
2	Dip Ram .. ..	16 0 0	
3	Tara Singh .. ..	16 0 0	
4	Gulam Ahmad .. ..	16 0 0	
5	Sant Ram .. ..	15 0 0	
6	Sadar Din .. ..	15 0 0	
7	Khuda Bux .. ..	15 0 0	
8	Jamna Dhar .. ..	15 0 0	
9	Chandu .. ..	15 0 0	
10	Man Singh .. ..	15 0 0	
11	Paras Ram .. ..	15 0 0	
12	Paras Ram .. ..	14 0 0	
13	Allah Diya .. ..	14 0 0	

*II. Staff employed under the Sugar Technologist, Imperial Council of Agricultural Research.*

	GAZETTED OFFICER.		
	(Technical).		
1	Mr. R. C. Srivastava, Sugar Technologist.	1,900 0 0	
	NON-GAZETTED OFFICERS.		
	Technical Staff.		
1	Mr. J. P. Mukerjee (Engineer) ..	150 0 0	
2	Mr. K. M. Sadhu (Draftsman) ..	144 0 0	
	Clerical Staff.		
1	Mr. M. N. Mehta, First Assistant	170 0 0	
2	Mr. R. N. Prasad, Head Clerk ..	127 8 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
3	Mr. L. P. Sinha, Stenographer ..	127 8 0	
4	Mr. S. N. Gupta, Second Assistant	95 0 0	
5	Mr. Subha Singh .. ..	88 0 0	
6	Mr. J. N. Prasad .. ..	88 0 0	
7	Mr. Amir-ul-Hasan .. ..	80 0 0	
8	Mr. Sukhdev Thakur .. ..	70 0 0	
9	Mr. J. P. Sinha .. ..	70 0 0	
10	Mr. M. P. Misra .. ..	70 0 0	
11	Mr. Asghar Ali .. ..	50 0 0	
12	Mr. Ganga Prasada .. ..	50 0 0	
	<i>Inferior Staff.</i>		
1	Kalicharan .. ..	16 0 0	
2	Imam Khan .. ..	12 0 0	
3	Abdul Hafiz .. ..	12 0 0	
4	Din Dial .. ..	12 0 0	
5	Umeshankar .. ..	12 0 0	
6	Ram Prasad Bajpai .. ..	12 0 0	
7	Chandu Lal .. ..	10 0 0	
8	Chandri Khan .. ..	10 0 0	

*III. Staff employed under the Locust Research Entomologist, Imperial Council of Agricultural Research, Karachi.*

GAZETTED OFFICER (TECHNICAL).

1	Rao Sahib Y. Ramachandra Rao, Locust Research Entomologist.	Pay .. 1,000 0 0 L. A. .. 60 0 0
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NON-GAZETTED OFFICERS.

*Technical Staff.*

1	Dr. K. R. Karandhikar, Assistant Locust Research Entomologist.	370 0 0
2	Mr. K. D. Baweja, Locust Research Assistant.	350 0 0

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
		Rs. A. P.	
3	Mirza Ahmad Ali Khan, Locust Research Assistant.	Pay .. 160 0 0 L. A. .. 15 0 0	
4	Mr. D. R. Bhatia, Research Assistant.	Pay .. 160 0 0	
5	Mr. A. C. Sen, Research Assistant.	Pay .. 160 0 0 L. A. .. 75 0 0	
6	Mr. M. Taqi, Research Assistant. <i>Clerical Staff.</i>	125 0 0	
1	Mr. Abdul Ghani .. ..	Pay .. 124 13 0 L. A. .. 12 8 0	
2	Mr. Chandar Prakash .. ..	Pay .. 67 0 0 L. A. .. 10 0 0	
3	Mr. Shanti Lal .. ..	Pay .. 67 0 0 L. A. .. 10 0 0	
4	Mr. Mohd. Ramzan .. ..	Pay .. 52 0 0 L. A. .. 7 8 0	
5	Mr. Abdul Halim .. ..	52 0 0	
6	Mr. H. G. Sheikh .. ..	Pay .. 35 0 0 L. A. .. 5 0 0	
	<i>Inferior Staff.</i>		
1	Mohd. Sharif, Fieldman ..	41 0 0	
2	Mohd. Aslam, Fieldman ..	41 0 0	
3	Nasurullah, Fieldman ..	41 0 0	
4	Abdul Hamid, Fieldman ..	41 0 0	
5	Khushi Mohd., Fieldman ..	41 0 0	
6	Norata Singh, Fieldman ..	40 0 0	
7	Abdul Qadir, Fieldman ..	Pay .. 31 0 0 L. A. .. 10 0 0	
8	Mohd. Rashid, Fieldman ..	30 0 0	
9	Deoki Nanadan, Fieldman ..	30 0 0	

Serial No.	Name.	Salary per mensem on 4th August, 1934.	Remarks.
10	Narayan Behari, Fieldman ..	Rs. A. P. 21 0 0	
11	Shanti Swarup, Fieldman ..	30 0 0	
12	Peshawari Singh, Fieldman ..	30 0 0	
13	Didar Singh, Fieldman ..	31 0 0	
14	Girdhari Lal Amar Chand, Fieldman.	20 0 0	
15	Abdul Latif, Fieldman .. ..	31 0 0	
16	Mohd. Shafi, Fieldman ..	30 0 0	
17	Swali, Fieldman .. ..	21 0 0	
18	Malik Mohd., Fieldman ..	21 0 0	
19	Borak Ram, Peon .. ..	18 0 0	
20	Sita Ram, Peon .. ..	18 0 0	
21	Ata Mohd., Peon .. ..	18 0 0	
22	Mohd. Ismail, Peon .. ..	17 0 0	
23	Khadim Hussain, Peon ..	17 0 0	
24	Bhag Singh, Peon .. ..	15 0 0	
25	Hans Raj, Peon .. ..	15 0 0	
26	Faiz Baksh, Messenger ..	12 0 0	
27	Ganesh, Messenger .. ..	12 0 0	
28	Brij Mohan, Messenger ..	12 0 0	
29	Maloo, Messenger .. ..	12 0 0	
30	Dhogar, Messenger .. ..	12 0 0	
31	Gopal Singh, Messenger ..	12 0 0	
32	Rahmat Ali, Messenger ..	12 0 0	
33	Sukhidal, Messenger .. ..	10 0 0	
34	Rahmat, Messenger .. ..	10 0 0	
35	Mohd. Ismail, Messenger ..	10 0 0	
36	Murad Ali, Messenger .. ..	10 0 0	

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

499. \*Dr. Ziauddin Ahmad : (a) Is it a fact that 57 States are members of the League of Nations ?

(b) Is it not a fact that India contributes 56 units out of 1,013 units to the funds of the League of Nations, which is equivalent to 5.5 per cent. ?

(c) Is it not a fact that there are only five countries which contribute more than India ? What are the names of those countries and what are their contributions ?

**The Honourable Sir Nripendra Sircar :** (a) and (b). The answer is in the affirmative.

(c) The names of the five countries and the number of units contributed by them are as follows :

	Units.
(i) Germany .. .. .	79
(ii) United Kingdom .. .. .	105
(iii) France .. .. .	79
(iv) Italy .. .. .	60
(v) Japan .. .. .	60

#### EMPLOYMENT OF INDIANS IN THE SECRETARIAT OF THE LEAGUE OF NATIONS.

500. **\*Dr. Ziauddin Ahmad :** (a) Is it not a fact that the League of Nations employs over 700 clerks and secretaries whose names and nationalities are published on pages 1262—1293 of the official Gazette of the League of Nations ?

(b) Is it not a fact that out of this number only five are Indians, of whom four are temporary ?

(c) Have the Government of India taken any action to press on the authorities that the number of Indians in the Secretariat of the League of Nations and allied offices should be in proportion to their contribution, i.e., 5.5 per cent. ? If not, why not ?

**The Honourable Sir Nripendra Sircar :** (a) Government have no information additional to what is contained on the pages of the Official Journal. We have no further information beyond that.

(b) Six Indians are permanently employed and three are believed to be temporarily employed.

(c) Appointments in the League Secretariat being normally for terms of seven, 21 or 28 years, and appointments under the International Labour Office being normally for terms of 21 or 28 years with an age limit of 60, the Honourable Member will kindly understand that the possibility for effective action in this matter is extremely limited ; Government are at pains to take such action as is possible by causing India's delegates to the Assembly to ventilate the matter as often and as strenuously as is consistent with tactical considerations, and that has been done. I would like to disassociate myself from the suggestion that it would be practicable to introduce a precise correspondence between percentage of contribution and percentage of representation in the Secretariat.

**Mr. Gaya Prasad Singh :** As regards part (b), is it not a fact that the Indians are poorly paid as compared to their qualifications and as

compared to the salaries of the nationals of other countries who are employed in the League Secretariat ?

**The Honourable Sir Nripendra Sircar :** As regards their actual pay, the Honourable Member will find them in the pages referred to by Dr. Ziauddin Ahmad, namely, pages 1262—1293. We are not in a position to tell this House the exact educational and other qualifications of each. We have no materials in our custody.

**Mr. Gaya Prasad Singh :** Is it not within the power of the Government of India to find out the qualifications of their own nationals and to see that they are paid adequate salaries in proportion to their qualifications ?

**The Honourable Sir Nripendra Sircar :** It is quite within the power of the Government of India to get that information, and, if that information is required, that will be laid as soon as possible. But I think it is not within the power of the Government of India to compel any particular person to be paid any particular salary.

**Mr. F. E. James :** Is it not a fact that the Indian Members of the Secretariat do in fact receive the pay which is normally listed for the posts which they occupy and that there is no differentiation in the pay of those posts as between the nationals of different countries ?

**The Honourable Sir Nripendra Sircar :** That is so.

**Mr. Gaya Prasad Singh :** Have not the Government of India found out the qualifications of the nationals of other countries and the qualifications of their own nationals ? If they had not found out the qualifications of the individual members, then how did the Government answer the question in the affirmative ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The same post carries the same pay whoever might be the national. This point has been mentioned already.

**Mr. Gaya Prasad Singh :** My point was that a man holding a higher qualification should be appointed to the higher post.

**Dr. Ziauddin Ahmad :** May I ask whether the Government of India ever represented to the Secretary of the League of Nations that the Indian Legislature and the people of India are very much dissatisfied with the small proportion of Indians in the Secretariat ?

**The Honourable Sir Nripendra Sircar :** That was done, not by direct correspondence between the Government of India and the Secretariat of the League of Nations, but repeatedly through the members of the Delegation there.

**Dr. Ziauddin Ahmad :** Will the Honourable Member please convey to the Secretary of the League of Nations the feelings of the Indian Legislature that we would seriously consider the question of our contribution to the League of Nations if India was not properly represented on the staff of the League of Nations ?

**The Honourable Sir Nripendra Sircar :** I will not only do that, but I shall indeed be very pleased if anything comes out of that representation.

### INDIA'S MEMBERSHIP OF THE COUNCIL OF THE LEAGUE OF NATIONS.

501. \***Dr. Ziauddin Ahmad** : (a) Is it not a fact that there are 13 members in the Council of the League of Nations (*vide* page 619 of the official Gazette of the League) ?

(b) How many of them are permanent members ?

(c) Is it not a fact that Japan and Germany, who were permanent members, have now withdrawn ?

(d) Did the Government of India apply for the inclusion of India among the permanent members on the ground that our contribution is sixth in the list and next to Italy and Japan ? If not, why not ?

**The Honourable Sir Nripendra Sircar** : (a) It is not 13, but 15. But I should explain what the actual number is. Japan having withdrawn, and nothing having been done by Japan within the two years for which notice has been given, the number 15 was put in by the League so that the exact number should be either 14 or 15, as the Honourable Member likes to have it.

(b) Five.

(c) Japan and Germany have given two years notice of their intention to withdraw from the League. They remain permanent members of the Council, pending expiration of the period of notice, though they are understood not to be actually attending the Council.

(d) The Honourable Member is referred to Sir Brojendra Mitter's reply to his own question, No. 1164, asked on the 27th November, 1933.

**Dr. Ziauddin Ahmad** : The reply to the last part "if not, why not" was not given.

**The Honourable Sir Nripendra Sircar** : I have got the reply. I think my Honourable friend is mistaken. The reply to "why not" may not be satisfactory to the House, but the reply to "why not" was given, and the Honourable Sir Brojendra Mitter explained that it was not possible to carry out the suggestions which were indicated, and I cannot add anything to the answers which were given on the last occasion.

**Dr. Ziauddin Ahmad** : May I ask whether the Indian Delegation or the Government of India ever made any representation that India ought to be a permanent member of the League of Nations in view of the fact that there are two vacancies ?

**The Honourable Sir Nripendra Sircar** : Is not that covered by the next question ?

**Dr. Ziauddin Ahmad** : Then I will discuss it later on.

### INDIA'S MEMBERSHIP OF THE COUNCIL OF THE LEAGUE OF NATIONS.

502. \***Dr. Ziauddin Ahmad** : Did India ever offer herself as a candidate for election as an ordinary member of the Council of the League of Nations ? If not, why not ?

**The Honourable Sir Nripendra Sircar** : No. The Honourable Member is referred to the reply by Sir Brojendra Mitter to the Resolution

moved by the Honourable Sir Phiroze Sethna in the Council of State, on the 14th July, 1930.

INTEREST OF THE INDIAN LEGISLATURE IN THE WORK OF THE LEAGUE OF NATIONS.

503. **\*Dr. Ziauddin Ahmad :** (a) Was the attention of the Government of India drawn to the proposal No. (1) of the Indian delegation to the League presided over by Sir Muhammad Habibullah ?

(b) What action have Government taken to increase the interest of the Indian Legislature in the work of the League ?

(c) Did Government ever give an opportunity to this House to discuss the reports of the Indian delegation ?

**The Honourable Sir Nripendra Sircar :** (a) The recommendations in question were addressed to, and could not fail to attract the attention of, the Government of India.

(b) The Honourable Member is referred to the reply by Sir Brojendra Mitter to the Resolution mentioned in my reply to the last question. Government are of opinion that Non-Official Members of the Legislature, desiring to interest themselves in matters pertaining to the League of Nations, might suitably establish and support an organization on the lines of the League of Nations Union Committee of the British Parliament.

(c) If the Honourable Member means to enquire whether Government have ever set apart an official day for discussion of the Report, the answer is in the negative. I would point out, that it has at all times been open to any Honourable Member, to give notice of a Resolution regarding anything contained in the Report which he desires to be discussed, but that to the best of my belief and information no notice of any such Resolution has ever been given.

**Mr. F. E. James :** With regard to the answer to (c), will Government consider the advisability, on their own initiative, of giving this House an opportunity of discussing the Report or Reports of the Indian Delegation or Delegations rather than leaving it to the chances of a ballot for Resolutions ?

**The Honourable Sir Nripendra Sircar :** Government are quite prepared to do that and will not take up an obstructive attitude.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The point of Mr. James was whether Government will set apart an official day for discussing the Report of the League of Nations Delegation.

**The Honourable Sir Nripendra Sircar :** My Honourable friend's question was whether Government will consider the advisability of doing that. I said we are prepared to do so.

**Captain Sher Muhammad Khan Gakhar :** Have the Government of India ever attempted to send a Member of this House to represent them on the League of Nations ?

**The Honourable Sir Nripendra Sircar :** I am not aware if any attempt was made, but if any were made, it was not successful. (Laughter.)



**Mr. B. Das :** Is it not a fact that super-loyalists must be found before they can receive the recommendation of the Government of India to go to the League of Nations ?

**The Honourable Sir Nripendra Sircar :** Does the Honourable Member want a reply to that question ?

**Mr. B. Das :** Government can reply if they like.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Then it is optional. (Laughter.)

**Mr. S. C. Mitra :** Is it a fact that the discussion in the Council of State to which reference has been made took place in 1930 ? And will the Honourable Member tell this House what interest they are taking since that date, four years ago ?

**The Honourable Sir Nripendra Sircar :** If my Honourable friend wants to know exactly what has been done between 1930 and 1934, I would ask him to give notice of this question, and I will accept short notice.

**Dr. Ziauddin Ahmad :** As Germany and Japan have gone out of the League of Nations since 1930, has not the time now come when we should make every effort for India to be accepted as a permanent member of the Council of the League ?

**The Honourable Sir Nripendra Sircar :** It is a matter of opinion whether the time has or has not come.

**Dr. Ziauddin Ahmad :** Do the Government of India contemplate to approach the authorities of the League of Nations so that India may be included in the Council of the League ?

**The Honourable Sir Nripendra Sircar :** At the present moment that is not in contemplation.

**Diwan Bahadur A. Ramaswami Mudaliar :** Have the Government of India any option in these matters at all ? Is it not entirely dictated by the Secretary of State, and is not the Secretary of State the only person to consider these questions ?

**The Honourable Sir Nripendra Sircar :** If that is the Honourable Member's view, he could have relieved me from the task of answering all these questions.

**Diwan Bahadur A. Ramaswami Mudaliar :** That is a fact and I am telling that to the Honourable Member in order to relieve him from answering these questions.

**The Honourable Sir Nripendra Sircar :** I may accept that fact or reject it, but no question has been put to me.

**Dr. Ziauddin Ahmad :** In view of the fact that it is a League of Nations and not a league of Governments, will the Government of India consider the opinion of the people of India as represented in the Legislature, and convey to them that it is the strong feeling of the Indian people and the Indian Legislature that India should be a permanent member of the Council ?

**The Honourable Sir Nripendra Sircar :** I think I have already answered that question recently.

**Mr. K. C. Neogy :** On the question of the choice of delegates, is it a fact that the ultimate choice lies with the Secretary of State ?

**Mr. G. H. Spence :** Questions have very frequently been answered on that point before. The position is that the delegates are appointed by the Secretary of State acting in consultation with the Government of India.

**Mr. K. C. Neogy :** That is certainly the formal position, certainly they must be ultimately appointed in the name of the Secretary of State, but have the Government of India a free hand in making the selection ?

**The Honourable Sir Nripendra Sircar :** I thought the answer given by Mr. Spence was that the men are selected in consultation with the Secretary of State, which involves the idea that sometimes the Secretary of State yields to the Government of India and sometimes *vice versa*.

**Mr. K. C. Neogy :** Then, may I expect my Honourable friend to give us an idea about the considerations that govern the choice of the members of the Delegation so far as the Government of India are concerned ?

**Mr. G. H. Spence :** I would suggest, Sir, that this question may wait. There is a substantive question now on the paper which will be answered in a few days' time which raises this very point.

**Mr. Lalchand Navalrai :** May I know if Government are now prepared to make an attempt to send a Member of this House to the League of Nations ?

**The Honourable Sir Nripendra Sircar :** Government will be prepared to consider that if we know the number of members who are willing to go and their qualifications.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is that the basis on which they have so far selected Honourable Members for the different Delegations ? Did they receive applications and did the applications contain the qualifications, and did the Government of India Members sit on those qualifications and decide them ? Is that the complimentary way in which the League delegates have so far been treated ?

**The Honourable Sir Nripendra Sircar :** A man cannot be sent there against his wishes, and, therefore, "application" does not mean something written on a piece of paper and signed and attested and witnessed. But an intimation may be conveyed in various manners, and Honourable Members of this Assembly do manage to convey their wishes in various matters as to what they are willing to do and what they are not willing to do. No deprecation of anybody was intended in that answer.

**Mr. K. C. Neogy :** May I know in what way the Honourable Member's predecessor conveyed that wish to the Government of India ? Was it on stamped paper ?

**The Honourable Sir Nripendra Sircar :** I have got to wait until I get a reply from my Honourable predecessor who is at Calcutta.

**Mr. Lalchand Navalrai :** May I know from the Honourable Member whether he thinks that the Legislators on this side of the Assembly are less competent than the Members on that side, so that they cannot be sent ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That is a matter of opinion.

**Dr. Ziauddin Ahmad** : May I ask whether these applications were invited by public notification ?

**The Honourable Sir Nripendra Sircar** : If there had been a public notification, it could not have escaped the eagle eyes of Dr. Ziauddin Ahmad.

PERMANENT REPRESENTATIVE OF INDIA AT THE HEADQUARTERS OF THE LEAGUE OF NATIONS.

504. **\*Dr. Ziauddin Ahmad** : What action, if any, did Government take to have a permanent representative at the headquarters of the League of Nations, as recommended by the delegations of 1933 and 1929 ? If none, why not ?

**The Honourable Sir Nripendra Sircar** : The attitude adopted towards the recommendation of the Delegation of 1929 was stated in Sir Brojendra Mitter's reply to the Resolution mentioned in my reply to question No. 502. The renewed recommendation by the Delegation of 1933 is at present under consideration.

CIRCULATION OF REPORTS, ETC., OF THE LEAGUE OF NATIONS.

505. **\*Dr. Ziauddin Ahmad** : Do Government circulate among the Members of the Central Legislature and the interested persons, the literature and printed reports they receive from the office of the League of Nations ? If not, why not ?

**The Honourable Sir Nripendra Sircar** : The Honourable Member is referred to the reply given in the Legislative Assembly on the 18th August, 1927, to question No. 21, asked by Mr. Ganganand Sinha.

**Dr. Ziauddin Ahmad** : Since circumstances have changed after the reply given in 1927, during the last seven years, may I ask whether they will consider again that the literature supplied to the Government of India may not be circulated among the Members of the Legislature ?

**The Honourable Sir Nripendra Sircar** : If the question is whether they are prepared to consider, the answer is in the affirmative.

OFFICIAL OR CLERK TO DEAL EXCLUSIVELY WITH THE WORK OF THE LEAGUE OF NATIONS.

506. **\*Dr. Ziauddin Ahmad** : Have the Government of India got any official or clerk to deal exclusively with the work of the League of Nations ?

**The Honourable Sir Nripendra Sircar** : The answer is in the negative.

**Dr. Ziauddin Ahmad** : May I ask whether it is not a waste of time, and a waste of energy and waste of money to send our Delegation and be a member of the League of Nations when we have not got any staff here to deal with this particular question and to reply to our questions ?

**The Honourable Sir Nripendra Sircar** : That is a matter of opinion.

**Mr. Lalchand Navalrai :** May I know why the reply is in the negative ? Is the staff needed or not needed ? It means that the Government of India have got no office dealing exclusively with the work of the League of Nations . I ask, why ?

**Mr. G. H. Spence :** The answer is that the work done by the Government of India in connection with the League of Nations is more conveniently done by being done by a large number of people in addition to other duties than being done by one or more persons exclusively.

**Mr. Lalchand Navalrai :** Then the Government of India are not over-worked ?

**Mr. G. H. Spence :** I do not think there is any implication in the answer I gave that the Government of India are not over-worked : I cannot subscribe to the suggestion that they are not over-worked.

**Dr. Ziauddin Ahmad :** Is it a fact that the way in which they treat this literature from the League of Nations is that they throw it into the waste paper basket ?

**Mr. G. H. Spence :** It is not a fact.

**Dr. Ziauddin Ahmad :** If it is not a fact, did they ever circulate this literature among the Members of the Assembly ?

**Mr. G. H. Spence :** If the Honourable Member would be good enough to refer to the earlier reply to which he was referred by the Honourable the Law Member in answer to a previous question, he will find that the position is that the Government receive from the League of Nations only sufficient number of copies for official use. The cost of printing and circulating this literature to Members of the Indian Legislature would be exceedingly heavy : the matter would be extraordinarily voluminous. On the date the answer was previously given, the Government were not satisfied that there was so lively a demand from the Members of the Indian Legislature to have access to the literature that they would be justified in incurring the considerable expense involved.

**Dr. Ziauddin Ahmad :** Did the Government of India ever demand of the League of Nations that sufficient number of copies should be sent, so that they may be circulated among the Members of the Legislature ?

**Mr. G. H. Spence :** I am afraid that if any such demand were made, it would inevitably be refused.

**Mr. K. C. Neogy :** I understand my Honourable friend to say that the papers they receive are only for official use. May I know who are the officials among whom these papers are circulated ?

**Mr. G. H. Spence :** We get only two or three copies and we send them to such administrative Departments as may be concerned with the subject matter of the paper.

**Mr. K. C. Neogy :** Who decides as to whether a particular Department is interested in a particular matter ?

**Mr. G. H. Spence :** In the last resort that decision is probably by myself.

**Mr. K. C. Neogy :** My Honourable friend is the censor in this particular matter ?

**Mr. G. H. Spence** : Not a censor, Sir : a post office.

**Dr. Ziauddin Ahmad** : The Honourable Member suggests that if the request is made to the League of Nations for more copies, it would be certainly refused : is it not a question of his opinion only, and is he justified in giving that opinion ?

**Mr. G. H. Spence** : It may in the last resort be a question of opinion, but I am tolerably confident that my opinion is correct.

**Mr. Gaya Prasad Singh** : Is it not a fact that this House sanctions money for the League of Nations, and are not the Members entitled to get a copy as asked by Dr. Ziauddin Ahmad ?

**Mr. G. H. Spence** : I have already stated that, when this matter was raised before, the position of Government was that they were not satisfied that the demand was so lively as to justify them in incurring the not inconsiderable amount of expenditure involved : I may say that a great bulk of League literature will be found in the Library.

**Mr. Lalchand Navalrai** : May I know if the Honourable Member's opinion is subject to correction by anybody ?

**Dr. Ziauddin Ahmad** : May I ask whether you will recommend on behalf of the Legislature to the Government of India that the future grant to the League of Nations should be stopped, because they are not even prepared to give us copies of their literature ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That question does not arise out of this.

#### GIVING OF CONTRACT FOR RUNNING MUSLIM REFRESHMENT ROOMS.

507. **\*Khan Bahadur H. M. Wilayatullah** : (a) Is it a fact that the contract for the running Hindu and Muslim Refreshment Rooms at the railway stations of Allahabad, Gaya and some other places, has been given to one man who is a Hindu ?

(b) Are Government aware that in the Hindu Refreshment Rooms *jhatka* meat is used ?

(c) Are Government also aware that Muslims have very strong objections to eating *jhatka* meat ?

(d) Do Government propose to consider the desirability of giving a separate contract for running Muslim Refreshment Rooms to Muslim contractors only ?

**Mr. P. R. Rau** : (a) The contract for the Hindu and Muhammadan Refreshment Rooms at Allahabad is held by a firm in which, Government are informed, the principal religions are equally represented. The Agent, East Indian Railway, understands, the firm consists of three partners, one a Hindu, the other a Muhammadan and the third an Indian Christian. At Gaya and all other stations, there is a separate Hindu and Muhammadan contractor for the Indian Refreshment Rooms.

(b) The Agent, East Indian Railway, reports that *jhatka* meat is not used in the Hindu Refreshment Rooms.

(c) Yes.

(d) This is generally done.

**HARASSMENT TO THE MEMBERS OF THE LEGISLATIVE ASSEMBLY FOR THE ANTECEDENTS OF THEIR FRIENDS.**

**108. \*Seth Liladhar Chaudhury :** (a) Are Government aware that the Criminal Investigation Department staff pester Honourable Members of this House for the antecedents of their friends ?

(b) Are Government aware that when a Member signs the applications for admission cards, he is responsible for the conduct and antecedents of the persons for whom applications are made ?

(c) Do Government propose to issue instructions to these men to stop harassment of Honourable Members in the future ?

**The Honourable Sir Henry Craik :** (a) No.

(b) Yes, in the case of special applications.

(c) Government see no necessity for such instructions.

**Mr. K. C. Neogy :** Will it surprise the Honourable Member if I were to tell him that I received a visit only yesterday from a police officer who came to inquire as to whether I was prepared to vouch for the conduct of a particular person for whom I had asked for a card—not that I knew him personally, but because he was introduced to me by another person whom I knew personally ?

**The Honourable Sir Henry Craik :** The Honourable Member asks me whether it would surprise me ?

**Mr. K. C. Neogy :** Nothing will perhaps surprise him !

**The Honourable Sir Henry Craik :** If the Honourable Member has any complaint to make regarding the conduct of the police, I should be very glad to look into it if he will speak to me outside the House.

**Mr. K. C. Neogy :** I do not want to make a complaint : that was furthest from my intention. But, under the rules, when we are permitted to ask for cards for persons whom we do not know personally, are we necessarily expected to vouch for the conduct of those persons ?

**The Honourable Sir Henry Craik :** No ; I do not think so ; but the police have a responsibility which they must discharge in some way or other ; and, in the discharge of their responsibility, I take it that they asked my Honourable friend to help them.

**Mr. K. C. Neogy :** I will speak to the Honourable Member outside the House.

**The Honourable Sir Henry Craik :** I shall be glad if the Honourable Member will do so.

**Mr. Vidya Sagar Pandya :** Even when the addresses are given and they are Government servants, the Members are asked to give further details about them ! I had an inquiry from the Department even when the full address was given, and it was a responsible Government servant for whom the card was given.

**The Honourable Sir Henry Craik :** There, again, if the Honourable Member will give all details of the case, I shall be very glad to look into it outside. It is rather difficult for me to answer these questions about specific cases without notice.

**Mr. Gaya Prasad Singh :** Are Government aware that sometime back a C. I. D. official came to my place to inquire about a certain individual for whom I had asked for a card and for whom I had written that I personally knew him ?

**The Honourable Sir Henry Craik :** I was not aware of that.

**Mr. Lalchand Navalrai :** May I know whether there are any specific orders to the police given by Government to go to Honourable Members to make such inquiries or whether the police do it at their own instance ?

**The Honourable Sir Henry Craik :** I must have notice of that. If the Honourable Member wishes me to look into the question of what instructions are issued, I am afraid I must ask for notice.

**Mr. K. C. Neogy :** May I inform my Honourable friend that with reference to the visit from the police I had yesterday, he read out from an official typed letter in which he was asked to make inquiries of me ?

**The Honourable Sir Henry Craik :** As I said, I shall be very glad to discuss the case with the Honourable Member.

**Mr. B. Das :** Will it surprise the Honourable Member that once when I arrived in Simla, the Punjab C. I. D. visited me and asked me to sign my name in a book and I referred the matter to the Honourable Member's predecessor, and the Punjab Government apologised through their Chief Secretary to me ?

**The Honourable Sir Henry Craik :** Perhaps it would surprise my Honourable friend to know that when I arrived in Simla a week ago, I had to sign that book. (Laughter.)

**Mr. B. Das :** Do I take it that a C. I. D. official of the Punjab Government visited the Honourable Member at Ava Lodge and asked him to sign his name in his note-book ? In my case, an official of the C. I. D. came to my residence and asked me to sign my name in his book.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : They showed more courtesy to you than to the Honourable the Home Member. (Laughter.)

**Mr. B. Das :** Perhaps the Home Member is referring to the Tara Devi medical examination, but I was referring to the visit of a C. I. D. official at my own residence and asking me to sign in his note-book according to an order from the Home Department.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Or he wanted your autograph.

**Mr. B. Das :** The Punjab Government had to apologise through their Chief Secretary on behalf of their police.

#### PROMOTIONS IN THE ARMY HEADQUARTERS.

509. **\*Seth Liladhar Chaudhury :** Will Government please state whether it is necessary to pass the Public Service Commission Examination for promotion from the third to the second division and from the second to the first division in the different Branches of the Army Headquarters ? If so, will Government please state why clerks who are only qualified as typists, or who are in the third division, have been confirmed in the second division, and even in the first, in the offices of the A. D. O. S. (P.), M. G. O.,

**Q. M. G., E.-in-C. and R. A. F.,** without their qualifying for the divisions for which they are drawing their present salary ?

**Mr. H. A. F. Metcalfe :** Permanent third and second division clerks in Army Headquarters may, if they wish, sit for the Public Service Commission examination for the second or the first division, provided they satisfy the ordinary rules for the examination. They are not required, however, to qualify by examination for the second division or the first division before being promoted into one of the vacancies set apart for departmental promotion. The rest of the question does not arise.

**VICEROY'S COMMISSIONED OFFICERS SERVING IN THE INDIAN ARMY.**

**510. \*Sirdar Harbans Singh Brar :** (a) Will Government please state the total number of the Viceroy's commissioned officers now serving in the Indian Army ?

(b) How many years will it take according to Government's present plans for the total extinction of these officers from the Army in India ?

**Mr. H. A. F. Metcalfe :** (a) The number of officers on the 1st April, 1934, was 3,652.

(b) I would refer the Honourable Member to the latter portion of the reply given on the 7th August, 1934, to his starred question No. 492.

**CELEBRATION OF THE JUBILEE OF HIS MAJESTY THE KING EMPEROR'S REIGN.**

**511. \*Sirdar Harbans Singh Brar :** Do Government propose to make a detailed statement as to the arrangements which are to be made for the celebration of the Jubilee of His Majesty the King Emperor's reign ?

**The Honourable Sir Henry Craik :** As the announcement regarding His Majesty the King Emperor's "Silver Jubilee" has only recently been made, the Government of India are not yet in a position to make any detailed statement, but they will make an announcement in due course. As was stated in the announcement, in the House of Commons, the question of the representation of India has been discussed by His Majesty's Government with His Excellency Lord Willingdon.

**CONSTITUTION OF THE COMMITTEE FOR THE DELIMITATION OF CONSTITUENCIES.**

**512. \*Sirdar Harbans Singh Brar :** Will Government please state if they are in a position to make a statement as to when the committee for the delimitation of constituencies of Provincial and Central Legislatures is to be constituted ?

**The Honourable Sir Joseph Blore :** The reply is in the negative.

**Mr. B. Das :** Sir, I have an authority from Lala Hari Raj Swarup to put his questions. He wrote to the Department long ago.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : He has not.

**COMPLAINT ABOUT THE INCIVILITY OF A MEMBER OF THE EAST INDIAN RAILWAY STAFF AT MEERUT.**

**513. \*Lala Hari Raj Swarup :** (a) Is it a fact that a complaint about the incivility of a member of the East Indian Railway staff at Meerut



station on the 3rd January, 1934, was made to the Chief Operating Superintendent on the 10th January, 1934 ?

(b) Is it a fact that no action was taken by the East Indian Railway authorities, though the incident concerned them only ?

(c) Is it a fact that no information as to the fact of that complaint was given to the passenger concerned ?

(d) Has any action been taken on the said complaint ?

**Mr. P. R. Rau :** Government have no information regarding the incident, but a copy of the question has been sent to the Agent, East Indian Railway, to consider what action is necessary.

#### TRAVELLING FROM STATIONS TO THE WEST OF ALLAHABAD TO BENARES *viâ* MOGHAL SARAI.

514. \***Lala Hari Raj Swarup :** (a) Is it a fact that passengers travelling from Allahabad can travel to Benares either *viâ* Janghai or *viâ* Moghal Sarai ?

(b) Is it also a fact that a passenger from Delhi, Cawnpore, or any other station to the west of Allahabad is not permitted to go to Benares *viâ* Moghal Sarai, though there is a clear proviso that passengers can travel by the quickest route ?

(c) Is it also a fact that ticket checkers have been charging from such passengers penalties and the fare from Allahabad to Janghai ?

(d) Is it also a fact that a similar case brought against a passenger in the Benares Courts by the East Indian Railway was dismissed against the East Indian Railway and even after that case the ticket checkers are charging the penalties from such passengers who go to Benares *viâ* Moghal Sarai ?

**Mr. P. R. Rau :** (a) Yes.

(b) A passenger from any station West of Allahabad can travel to Benares, *viâ* Moghal Sarai if he purchases a ticket by that route. I am not aware of the proviso referred to by my Honourable friend.

(c) The Agent, East Indian Railway, states that he is not aware of any such case having occurred.

(d) The Agent, East Indian Railway, states that in a case relating to a passenger holding a return journey ticket, the trying Magistrate dismissed the case brought by the Railway, holding that the rule was defective. The rule has since been amended. As regards the latter part of the question, the Agent states that he is not aware that ticket checkers are penalising passengers in the manner suggested.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### ASSISTANTS AND CLERKS IN THE RAILWAY BOARD'S OFFICE.

42. **Rao Bahadur M. C. Rajah :** (a) Will Government please state :

(i) the number of assistants,

(ii) the number of second division clerks, and

(iii) the number of third division clerks.

in the Railway Board's Office ?

(b) Is there any proposal now before the Railway Board to increase the strength of the office ? If so, why and for which branches ?

(c) If the reply to part (b) above be in the affirmative, how many additional assistants will be recruited, and will they be recruited by promotion from among the second and third division clerks ? If not, why not ?

**Mr. P. R. Rau :** (a) (i) Twenty-seven.

(ii) Forty-three.

(iii) Twenty-six.

(b) Yes, temporarily in Establishment, Finance, and Stores Branches, owing to the existing strength of the office having been considered inadequate.

(c) The number proposed is five. The method of filling the posts is still under consideration but it is probable that they will not all be filled from clerks in the Board's office, owing to the number of suitably qualified men being at present insufficient.

#### RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

**43. Rao Bahadur M. C. Rajah :** (a) Is it a fact that some additional assistants in the Railway Board's Office will be recruited from the Railways ? If so, why ?

(b) Are Government aware that there is a wide-spread discontent amongst the staff of the Railway Board on account of the proposed recruitment of the additional assistants from the Railways ?

(c) Is it a fact that a certain number of the staff represented to the Chief Commissioner of Railways against the proposed recruitment from outside and that their representations were returned by the Secretary without any remark or observation whatsoever, and that they never reached the officer to whom they were addressed ?

(d) Is it also a fact that in view of the Secretary's attitude, about a dozen representations were not forwarded to him by the Superintendents and the Branch Officers ?

(e) Are Government aware that the recruitment from outside will be a great injustice to the existing staff ?

(f) Is it a fact that there was a previous decision at a meeting of the Directors that recruitment from outside should be stopped and that this decision was endorsed by the Railway Board ? If so, why is it now proposed to act against that decision ?

(g) Is it a fact that recruitment of outsiders direct into the first division is in contravention of the policy and practice followed in the other Departments of the Government of India ? If so, why is this practice not followed in the Railway Board's Office ?

(h) Is it a fact that there are in the Railway Board's Office many clerks with suitable educational qualifications in the second and third divisions who have been receiving uniformly good reports and have been recommended by their Branch Officers as fit for promotion to the first division? If so, what is the reason for this attempt on the part of the Secretary to the Railway Board to import outsiders?

(i) Is it a fact that recruitment of Railway people is being made on the plea of getting experts for specialised work?

(j) Are Government aware that there is no specialised work in the ministerial establishment of the Railway Board's Office which a man with good general education, intelligence and experience cannot do? Are Government also aware that men are transferred from one branch to another and the work has been going on smoothly all these years?

(k) Do Government propose to stop recruiting men from Railways, and to give chances to the best men of the existing staff who have all along been reported to be fit for promotion to the first division and thus alleviate a real grievance?

**Mr. P. R. Rau :** (a) My Honourable friend is referred to the answers to part (c) of his previous question.

(b) No.

(c) Four representations from members of the staff were addressed to the Secretary, Railway Board, and one to the Chief Commissioner, asking that the applicants might be considered for the vacancies. These were placed by the Secretary before a Member of the Board.

(d) and (f). No.

(e) All men with suitable qualifications will be considered for promotion to these posts.

(g) The regulations for recruitment to the Railway Board's office are not identical with those for recruitment to the offices of the other Departments of the Government of India. Special regulations for the Railway Board's office were authorised by the Government of India as it is considered that it may be desirable in some cases that the Assistants' grade in the Board's office should be filled partly by direct recruitment of qualified persons from Railways.

(h) and (i). The Railway Board do not consider that there are at present a sufficient number of qualified clerks in their office to fill the additional posts of Assistants proposed, and the recruitment of persons from Railways is under contemplation for that reason.

(j) Certain work in the Board's office requires more specialised experience of railway working than is ordinarily possessed by persons who have had no experience outside the Board's office. In many cases men are transferred from one branch to another, but it has not been the practice to fill all vacancies in this way, as has been shown in the reply to part (g) of this question.

(k) Government do not propose to change the existing practice, but due consideration will always be given to the claims of the existing staff.

## STATEMENTS LAID ON THE TABLE.

*Information promised in reply to unstarred question No. 251 asked by Mr. D. K. Lahiri Chaudhury on the 28th March, 1934.*

### STAFF ENGAGED FOR PAYMENT OF PENSIONS TO ARMY RESERVISTS.

The information regarding clerks and other staff engaged for payment of military pensions and their cost for 1933-34 is given below :

	Rs.
(i) Estimated number of clerks and other staff employed for payment of pensions .. .. .	203
(ii) Estimated amount of pay, pensionary charges, cost of leave, cost of stationery, etc. .. .. .	2,93,682

*Information promised in reply to unstarred question No. 309 asked by Maulvi Muhammad Shafee Dawoodi on the 4th April, 1934.*

### REPAIRS OF MOSQUES AND MAUSOLEUMS IN NEW DELHI.

(a), (b) and (c). A statement giving the facts with regard to the different items of the memorandum referred to by the Honourable Member is laid on the table. Mosques and mausoleums in New Delhi are subject to the bye-laws framed by the New Delhi Municipal Committee to regulate the erection and re-erection of buildings in the locality, within the meaning of section 3 (5) of the Punjab Municipal Act, and such erection or re-erection is in the interests of the safety and convenience of the public, required to conform to the requirements of those bye-laws before it can be approved. Applications must be judged on their merits, and the Chief Commissioner, Delhi, will be prepared to enquire into any complaint as to the manner in which individual cases are dealt with, but the Honourable Member will appreciate that unless the required prior sanction is duly applied for in all cases where it is required difficulties are bound to arise. No sanction is, however, required for repairs which do not involve the operations defined in section 3 (5) of the Punjab Municipal Act already referred to.

The sum referred to in the concluding paragraph of the memorandum has been earmarked by Government for a Muslim educational institution in Delhi.

*Statement showing the results of Enquiries into Allegations made by the Secretary of the Managing Committee of the Juma Masjid, Delhi, in connection with the Repairs or Alterations of certain Mosques and Mausoleums in New Delhi.*

Items of complaints.	Complaints and the names of the mosques.	Correct position.
1, 2, 4, 5, 23 and 24.	<i>Masjid Barakhamba, New Delhi</i> Requests for permission to effect repairs and make additions and alterations have been turned down.	Certain unauthorised work was carried out for which the offender was prosecuted and fined by the court.
3, 7 and 17 ..	<i>Masjid Takia Abdulla Shah</i> .. No shed upon praying platform permitted. Plans unapproved and sanction refused.	An application for the construction of a shed was received and rejected in accordance with the procedure laid down.



Items of complaints.	Complaints and the names of the mosques.	Correct position.
6, 22 and 31	<i>Masjid D Circus, New Delhi</i> . . Additions or alterations dis-allowed.	The reference here appears to relate to the praying platform situated within one of the Connaught Place shops. Government have taken steps to preserve it by leasing the site rent-free to a Muslim who has accepted the conditions that while repairs can be carried out no additions or alterations will be permitted.
8	<i>Masjid Zabtaganj, New Delhi</i> . . Maulvi of the mosque was prosecuted and had to demolish a wall. Sanction for repairs not granted.	The Maulvi was served with a notice for unauthorised construction and himself demolished the wall.
9, 11 and 18	<i>Masjid near Isa Khan Tomb at Nizamuddin.</i> A 'Hamam' constructed within the mosque was ordered to be removed. Additions and alterations not allowed.	No orders for the removal of the unauthorised 'Hamam' were issued, but the Juma Masjid Committee were asked to regularise the matter, and were informed that the plan received was returned unapproved as it contravened the Municipal bye-laws.
10, 21 and 27	<i>Masjid platform at point Y at Ool Market graveyard, New Delhi.</i> Removal of a Chaukidar's hut shed (other complaints are un-intelligible).	Certain unauthorised structures were constructed and occupied by a Muhammadan Fakir. Civil suits were filed by Government and subsequently a settlement was made with the Juma Masjid Committee who had the trespasser removed, and Government sanctioned the retention of the unauthorised platform.
12 and 15	<i>Mosque at cattle byre point I, New Delhi.</i> Alterations and additions not allowed and plans for repairs not approved.	This appears to relate to the mosque near the cattle byre on the lower Ridge Road. Certain unauthorised works were carried out to the mosque which was also occupied without permission. A suit in this connection is proceeding in the Civil Courts.
13	<i>Masjid at Store Yard, Rakab-ganj, New Delhi.</i> Additions and alterations are not allowed.	Proposals relating to the extension of the mosque are under consideration and the members who put up the proposals have been informed accordingly.
14 and 19	<i>Mosque at Race Course, New Delhi</i> Flower pots kept inside the mosque ordered to be removed. Additions or alterations not allowed. Repairs to a shed disallowed.	The Honorary Secretary, Juma Masjid Committee, was informed that sanction was necessary before any additional work could be carried out. No mention regarding removal of flower pots has been made in any reply given to the Committee.
16 and 28	<i>Masjid Curzon Road, New Delhi</i> Notice to remove surrounding walls of courtyard served by the New Delhi Municipal Committee.	An unauthorised construction was built in this mosque and a notice was served under the Municipal bye-laws. Sanction to carry out repairs has been given.
20	<i>Masjid Bacho Shah Wali near Railway Siding.</i> Mosque stairs repaired without permission should be demolished.	Permission was granted for repairs and no demands were made for the demolition of the staircase.

Items of complaints.	Complaints and the names of the mosques.	Correct position.
25 ..	<i>All mosques in New Delhi</i> .. If walls of mosques made without permission are not removed legal proceedings will be instituted.	No additions or alterations to mosques in New Delhi can be allowed without competent sanction. Some of these mosques are central protected monuments under the Ancient Monuments Preservation Act. They are open to Muslim public for saying prayers therein, but cannot be relinquished or made over to any private body. The Director General of Archaeology will however be pleased to consider any proposals for providing facilities to the <i>namazis</i> .
26 ..	<i>Mosque at Asoka Road, New Delhi</i> Plastering of walls without sanction was questioned.	Repairs carried out were not disallowed, but the Juma Masjid Committee was asked to see that no additional work beyond that which was sanctioned should be given effect to.
29 ..	<i>Mosque Sonehri Bagh</i> * .. Verandah of mosque may be demolished.	An unauthorised verandah was erected and a notice was served under the Municipal bye-laws on the offender. The verandah was subsequently demolished by the offender, and a light-lean-to was thereafter sanctioned under the bye-laws.
30 ..	<i>Mosque of Bibi Fatima, Siam</i> .. Imam prohibited to sleep in mosque.	An unauthorised structure was erected and offender was prosecuted and fined by court. Permanent residence within this mosque is undesirable, as owing to its locality which is void of services, it tends to create a nuisance.

*Information promised in reply to starred question No. 116, asked by Mr. Gaya Prasad Singh on the 19th July, 1934.*

#### ABSENCE OF AN ENCLOSED BATHROOM FOR THIRD CLASS WOMEN PASSENGERS AT PHULERA RAILWAY STATION.

Enquiries have been made from the Agent, Bombay, Baroda and Central India Railway, and the facts are as follows :

Certain technical matters in connection with the design for the proposed bathroom for women passengers at Phulera Junction Station have been under investigation and a revised design is under consideration. It is hoped that the work will be taken in hand shortly.

*Information promised in reply to starred questions Nos. 318 and 319 asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.*

#### AVOIDANCE OF ASSESSMENT OF INCOME-TAX BY THE TRANSFER OF PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.

*Question No. 318.*

The allegation in the first part of the question appears to be unfounded, and the second part does not, therefore, arise.

**AVOIDANCE OF ASSESSMENT OF INCOME TAX BY THE TRANSFER OF  
PRINCIPAL PLACE OF BUSINESS FROM BIHAR AND ORISSA.**

**Question No. 319.**

(a) The required information for the past three years is laid on the table. Figures for years prior to 1931 are not available.

(b) I should be glad if the Honourable Member would furnish me with the evidence on which his allegations are founded. I do not consider that it would be justifiable to go to the labour and expense of collecting information to verify or disprove a charge for which no evidence has been produced. In any case the Government of India have no power under the Income-tax Act of interfering with inter-Provincial transfers.

*Statement showing the Total Number of Applications filed for Transfer of Principal Place of Business out of Bihar and Orissa, District by District, during 1931, 1932 and 1933 and the Number of Successful Applications.*

District.	1931.		1932.		1933.	
	No. of applications filed for transfer of principal place of business.	No. successful.	No. of applications filed for transfer of principal place of business.	No. successful.	No. of applications filed for transfer of principal place of business.	No. successful.
Purnea .. ..	1	1	2	2	2	2
Bhagalpur ..	3	1	..	..	1	1
Darbhanga ..	..	..	2	2	..	..
Muzaffarpur ..	..	..	1	1	1	1
Ranchi .. ..	1	..	..	..	..	..
Dhanbad .. ..	2	1	1	..	2	2
Cuttack .. ..	2	2	..	..	..	..
Balasore .. ..	2	..	..	..	..	..
Gaya .. .. .	..	..	1	1	1	1
Patna .. .. .	2	2	1	1	..	..
Monghyr .. ..	1	1	2	2	..	..
Champaran ..	..	..	2	2	..	..
Sontal Parganas ..	1	1	1	1	..	..
Shahabad .. ..	1	..	1	..	..	..
Manbhum .. ..	..	..	..	..	1	1
Palamau .. ..	..	..	..	..	3	1

*Statement showing the Total Number of Cases Transferred from other Provinces into Bihar and Orissa, during 1931, 1932 and 1933 excluding Cases of Salary Holders and House Property and Government Security Owners.*

Year.	No. of cases transferred from other provinces into Bihar and Orissa (excluding cases of salary holders and house property and Government Security holders).	Remarks.
1931 .. ..	3	
1932 .. ..	6	
1933 .. ..	2	

*Information promised in reply to starred question No. 340 asked by Sirdar Harbans Singh Brar on the 1st August, 1934.*

#### **RULES REGARDING THE GRANT OF HONORARY RANKS IN THE ARMY IN INDIA.**

The rules are contained in the regulations mentioned below :

Royal Warrant for the Pay, Appointment, Promotion, and Non-Effective Pay of the Army, 1931—Article 186.

Regulations for the Army in India—Paragraphs 122, 726, 732, 733 and Appendix XXX, paragraph 27-A.

Regulations for the Medical Services note to paragraph 59-B (ii) and paragraph 60.

Regulations for the Auxiliary Force, India, paragraphs 46, 47 and 48.

Regulations for the Indian Territorial Force, paragraph 23.

I shall be glad to show them to the Honourable Member if he will come to my office one day when the House is not sitting.

#### **RESOLUTION *RE* REPRESENTATION OF INDIAN CHRISTIANS IN THE SERVICES AND COMMITTEES.**

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following Resolution moved by Dr. DeSouza on the 26th July, 1934.

“ That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected, should be recognised.”

The Chair would like to hear from the Honourable Member, Sirdar Harbans Singh Brar, how his amendment is in order.

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : I have to submit, Sir, that the Government Resolution, regarding the quota of representation in the services of minorities, is prejudicial to the interests of minorities generally including the Indian Christian community and the Sikh community, and, therefore, the claims of minorities which are affected by the so-called “ Chhota Award ” come within the scope of this Resolution.



**Mr. President** (The Honourable Sir Shanmukham Chetty) : The original Resolution deals only with the claims of the Indian Christian community for representation in public services, etc. That Resolution does not throw open for discussion the whole question of the representation of the various communities in India. The amendment of the Honourable Sirdar Harbans Singh Brar widens the scope of the Resolution in this respect, and is, therefore, out of order.

**Lieut.-Colonel Sir Henry Gidney** : Sir, before I deal with the Resolution before the House, I must offer my congratulations to Dr. DeSouza for the very forceful and very reasonable manner in which he presented his Resolution. Sir, Dr. DeSouza in his speech declared that he was not a communalist. I, on the other hand, approach his Resolution as a whole-hogger and a communalist of the first water, I do so because I am forced to this position. I think the speaker would have secured more had he worn the robes of a communalist instead of the threadbare garments of a camouflaged nationalist, and had his community done so, when their representatives gave evidence before the Simon Commission, I believe the economic position of his community would, today, have been much stronger.

**An Honourable Member** : Question ?

**Lieut.-Colonel Sir Henry Gidney** : The " Question " is answered by a repetition of my statement.

Sir, approaching this Resolution as a whole-hogger communalist, I would tell the Honourable Member who moved this Resolution that, if he had been truly democratic in his outlook and demand, in that efficiency was the only *sine qua non* for recruitment into public services, his educated and progressive community, would today be filling about 15 per cent. of all Government appointments as I shall show later on, instead of being in the position of mendicants asking for the crumbs that fall from the tables of others. Now, Sir, let me come to the Resolution.

I propose to take in the reverse order of demand. In it the Honourable Member has made two claims. His first claim is that : " the demand for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected, should be recognised ". I presume this demand refers mainly to the absence of his community on the Third Round Table Conference and the Joint Parliamentary Committee, and, incidentally, on that very important Committee that visited India, the Lothian or Franchise Committee. Sir, I have great respect for the Honourable Member and I have great respect also for his community, among whom I have many of my best friends, but I feel that I should be doing a dis-service to his community if I failed to take advantage of this opportunity and frankly express my views on the present unfortunate position of his community as regards this. His complaint, I submit, is well placed, but I do not think he is entirely right in ascribing the absence of his community on these committees as being due to neglect of duty on the part of the Government. I think the reason for the absence of his community, on these Committees, lies largely at his own door, and it is with much regret that I have to implement my views by further observations on this matter. With all respect to his feelings, I think, the Honourable Member will agree with me, when I say that, the present religious cleavage,

that exists in the ranks of his community, is largely responsible for the absence of his community on the various Committees and its present economic apprehension. In my humble opinion, this is why his community was not represented at the Third Round Table Conference and the Joint Parliamentary Committee. Sir, I was a witness to the wide and apparently unbridgeable cleavage that was unfortunately exhibited by the two Indian Christian representatives, one a Roman Catholic and the other a Church of England, in their politico-economic demands at the Second Round Table Conference. This, in my opinion, was why his community was not represented at the Third Round Table Conference and the Joint Parliamentary Committee. Whenever Mr. Pannirselvam, the Roman Catholic delegate, who very ably represented the cause of my friend's community and who has been rightly honoured by being appointed Home Member of the Madras Government, expressed his views and demands, Dr. Dutta, the Church of England representative, who entertained almost pro-Congress views, would diametrically oppose him, and so the voice of the Indian Christian community was divided and, consequently, went by default.

**Mr. B. Das :** Don't speak about Mr. Datta. He was an Honourable Member of this House.

**Lieut.-Colonel Sir Henry Gidney :** I have said nothing derogatory against Dr. Dutta whom I hold in great esteem, but I should like to say something about Mr. B. Das :

“ Mr. B. Das,  
Is at times an Ass ;  
When with politics he tries to play.  
But, when he talks,  
On communal awards,  
Who listens to what he'd say ? ”

**Mr. B. Das :** I am not a communalist. I am not at all in favour of the Communal Award.

**Lieut.-Colonel Sir Henry Gidney :** India is fortunate in your confession and belief. I believe, I am right in saying, that the reason why the Indian Christian community were not represented on these important Committees was on account of these economic-political differences of opinion, based on an unfortunate religious cleavage that, even today, exists in this community, and I would impress upon my Honourable friend, Dr. DeSouza, the urgent necessity of bridging this gulf and of bringing about a political and economic rapprochement in the ranks of the Indian Christian community, which is one of the most progressive communities in India.

It is only when they realise that politics and religion must be separated, that the community will unite and secure adequate economic protection and will be able to forge ahead as one of the most important communities in India. I repeat, Sir, it is this utter absence of unity which accounts why the community was not represented on these Committees and, again, I say that their absence was due to the impossibility of Government, faced as it was with a smaller conference, being able to choose two members to represent the two religious view-points of the Community, or to secure one member who was willing to voice the needs of the entire Community. As regards the absence of an Indian Christian

[Lieut.-Colonel Sir Henry Gidney.]

representative from the Lothian Commission, I agree with the Honourable Member in his grievance. His Community and mine had a common sufferance on that occasion. But to exclude a community of 6½ millions, the third largest in India, on such an important Committee, a Committee which had to be familiar with the Indian Christians' needs, was, in my opinion, wholly improper, especially when we saw much smaller communities represented. I am happy to say, that I am in close correspondence with the organiser and Secretary of the United Christian Nationalist Party, Mr. Ernest Deva Lal, and I do hope that the time is not far distant when these two religious sects will join hands together and form a political and economic unity, separated from their respective religious differences, but which beliefs will be respected by each other, as we do in the Anglo-Indian Association and community. I would, however, tell my Honourable friend, that though there was no Indian Christian representative present at the Third Round Table Conference, the Community had many friends to help them there and who did help them ; for instance, my Honourable friend, Mr. Ghuznavi, was there, there was Sir Hubert Carr and there was myself. We all represented their needs. I referred to the absence of Indian Christians in the Central Provinces Council, where they are an important community and which serious omission I pointed out to the Joint Parliamentary Committee and pressed for redress. I would advise the community to get together on a common economic platform, and then, they will, by their power and force, be represented in all Conferences and Committees. I hope my Honourable friend, Dr. DeSouza, will take no umbrage at anything I have said on this unfortunate and undeniable religious cleavage in his ranks, because, as I have said, I have the greatest respect and admiration not only for him, but for his community also, whom I have never lost an opportunity to help. I refer particularly to my defence of equal treatment and more to Roman Catholic Schools in the operation of the Irwin Education Committee Report and which I say without fear of contradiction has hitherto been denied them.

Let me now take the second part of the Resolution, the "demand for adequate representation in the Services". The Honourable Member asks that adequate representation be given to Indian Christians in the Services. I stress the words used "the Services", because I find a belief is current in this House that the Honourable Member's demand is only for the All-India services with special reference to the omission of his community in the Home Department's Resolution of the 6th July, 1934. On reading his Resolution, I find, he does not confine himself to the All-India services ; he refers to all services, both in the Central and Provincial Governments. Am I right ? (*Dr. F. X. DeSouza : "Yes".*) Thank you. I shall proceed on that basis. Now, Sir, what has the Honourable Member stated in his speech ? He said : We Indian Christians are a community of 6½ millions strong, a community whose population is increasing every decade by about 30 per cent., and, might I add, on a rough calculation, a community that by 1940 will have a total population of about ten millions. Continuing, he said that it is more literate, both in vernacular and in English, than any other Indian Community. As regards the general literacy, the Community is five times as literate as any other Indian community, and ten times more educated in English, per 20,000 of population, than any other

Indian community. It is a law-abiding, well disciplined and loyal community. And, yet, to use the Honourable Member's words, "We are being, on the one hand, elbowed out from our position in the public service by the more powerful communities, and on the other hand, the Government of India and the Home Government act as if we are not entitled to claim a share in the public life of the country".

Let me for a moment put aside the genuine alarm that was created and still remains in the minds of this and other Christian communities in India and the resulting fear and indignation felt and expressed by the clergy of all Christian faiths, both in England and in India, when Mr. Gandhi, in March, 1931, uttered his extraordinary warning against the freedom to proselytize the Christian faith and against which an united Christian protest was made in the Press, both in England and India, as also in Parliament. But all that is past history and we might today forget it. I would ask my Honourable friend, Dr. DeSouza, not to worry about Mr. Gandhi. I am sure that Mr. Gandhi, with his characteristic vacuous memory, must have, in his quest for new ideals, completely forgotten his anti-Christian warning.

Let us come down to something real, something concrete, and ask ourselves this question : "Has the Indian Christian community any real cause for complaint, and, is it entitled to the Honourable Member's economic demand?" To answer this question, I would ask the Honourable Member on the Treasury Benches who will reply for Government, to bear with me and together let us make a brief survey of the economic position of this community, with whom I would add the European and Anglo-Indian community or any other Christian community in the various Provincial Services, where Local Self-Government is being practised. Sir, it is well known that the total annual expenditure of all Local Boards and Municipalities in the whole of India is Rs. 50 crores, equalling the total expenditure of the Government of India, after deducting Army expenditure, and, yet, you will find the Indian Christian, the European and the Anglo-Indian communities conspicuous by their absence in such Services and Departments. The Indian Christian community, if you look at it from the point of view of general literacy, i.e., in the vernacular, which is demanded for many Provincial Services, is neglected in these Provincial Services, though the percentage of their literacy is very high in the vernacular, and, if you look at it from the point of view of the knowledge of the English language possessed by this and other Christian communities, what do you find? Do you call this Democracy? I call it Hypocrisy. Do you call this Local Self-Government? I call it Public Selfish-Government.

**Bhai Parma Nand :** Were the Indian Christians a party to the Minorities' Pact, and if so, may I know why they were ignored in the Government Resolution?

**Lieut.-Colonel Sir Henry Gidney :** I am glad the Honourable Member has asked me that question. The Roman Catholic Indian Christian community was certainly a party to the Minority Pact, because, Mr. Pannirselvam was a member and signed the Pact.

**Mr. President (The Honourable Sir Shanmukham Chetty) :** The Honourable Member has got three minutes more.

**Lieut.-Colonel Sir Henry Gidney :** Sir, how time flies ! The Indian Christian community is also not employed in any appreciable numbers in the Indian States Services nor are Anglo-Indians today. The Indian Christian is tabooed there, due, in my opinion, to religious prejudices, i.e., because he is a Christian. Nor is he, nor the Anglo-Indian, employed in any big Indian industrial or commercial concerns. And why ? Despite the advanced and superior educational state of Indian Christians, their present unenviable position, amounting almost to ostracism, is due to religious prejudices which, as the Honourable Member so bitterly and truly said was due to the outcome of the impact of Europeans with the Indians, or the West with the East, and which, in terms of materialism, has always resulted in the Englishman of being ashamed in the case of the Anglo-Indian and disowning his own progeny—his identity,—and, in the case of the Indian Christian, of those who embrace his own religion.

Let me now take the All-India services. The Honourable the Mover admits that in the past the Indian Christian Community has been comfortably placed in the All-India services, but with the publication of the recent Government Communiqué, he fears that his community will suffer. If efficiency is the *sine qua non* for such employment, and, if by "efficiency" is meant a good knowledge (secondary standard) of English as it must perforce do, let me tell this House that, *vide* the 1931 Census of India, a knowledge of English is possessed by about three million people over the age of 15 in the whole of India, and of these three millions, about 1½ millions are educated up to and beyond the Secondary Standard and of this total nearly 300,000 are Indian Christians. Now, let us see in what proportion Indian Christians are employed in the All-India Services ? Mr. Raju stated that they have two per cent. of such appointments. In the whole of India, there are about one and half million people sufficiently qualified in English who can compete for these All-India appointments under dispute and, of which, there are approximately 400,000 in both Central and Provincial Services. I ask the Government, if a knowledge of English connotes the efficiency they and the Nationalists demand for Government Services, what percentage should the Indian Christian community, who claim 270,000 of these 1½ million English educated, get of these appointments, if this efficiency test of English were rigidly applied, as it should be, if a truly National India is the future ideal as claimed by the Opposition, including the Congress, and, then, see what the Indian Christians are really allotted in the recent Government Communiqué ? They get a share of 6½ in the locally recruited services and a share of 8½ per cent. in the All-India services. Considered from all aspects, especially the efficiency test demanded from all sides of the House, the Indian Christians have certainly a claim to demand a specific proportion of such appointments. At the Round Table Conference every community asked for recognition of its past services to Government and this was the *raison de être* of their claims for employment in Government services. The Muslims demanded their claims on the ground of their well-known past loyalty to Government, their non-participation in the Civil Disobedience Movement and the terrorist movement, etc. The Sikhs demanded their share on account of their past military services, especially during the Great War. The Europeans demanded their commercial and trade protection on account of the millions of pounds they had, in the past, sunk in India.

The Anglo-Indians demanded protection on the ground of their devoted and loyal past and present services to the country. I, therefore, say Indian Christians have an equal claim. Dr. DeSouza was quite in order when he stressed their great past services, a record to which very few communities can lay claim. Let us see what this community has done, with foreign missionary leadership and capital; they have today got 20,000 Church of England Schools and a much larger number of Roman Catholic Schools and Colleges, giving education to over a million and a half of people, including thousands of non-Christian Indians. Take St. Xavier's College, Calcutta, as a worthy and leading example, an institution in which most of the notable Bengali families have received their education.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member must conclude now.

**Lieut.-Colonel Sir Henry Gidney** : They maintain over 1,000 hospitals treating over four million people. They are an enlightened and educated community who, by their teaching and training, have been largely responsible for making better citizens of other communities in India. The Indian Christians having no sect and no caste, and have, as neutrals in all other inter-communal clashes, rendered great service to the Government and this is a fact which has been frequently admitted by Government and, yet, this is the community that is today begging at the door of the Government for a specific proportion in all future employment. There are several occasions on which I have espoused the cause of the Indian Christians and, so, speaking with some experience on the floor of this House, I say that the Indian Christians deserve much better from a Government they have served so loyally and so efficiently. Till the impact of the West on the East, the entrance of Christians into the East has been the means of introducing the Christian faith into India, the faith of Jesus Christ which has appealed to millions of Indians,—are these converts to the Christian religion to be penalised by the very nation—the British—the very Government,—the British Government—who, by its great army of missionaries, the pioneers of various European religious denominations, introduced the Christian religion into India and who, for centuries, maintained and encouraged it? Surely a better fate, a more equitable treatment is due to the Indian Christian Community? I would appeal to Government, in their desire to placate their friends, not to ignore the economic claims of this community. In the name of Christianity, for which you are responsible in India, in the name of humanity, and in return for the yeoman service rendered to Government by the Indian Christian Community, I, a descendant of the Britisher, and a son of India, appeal to the Government not to turn a deaf ear to this Resolution which I whole-heartedly support.

**Sirdar Harbans Singh Brar** : Mr. President, I wish to support the Resolution moved by Dr. DeSouza. The whole trend of Government action and of Government policy, since the starting of the Simon Commission, has been moving in one particular direction. Government desire that the loaves and fishes of office should be divided between their special friends, irrespective of the justice of the claim of the teeming millions of India whose trustees and guardians they profess to be. How is it that from the beginning it has been moving in that particular direction since the time of the Simon Commission, following closely on the

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Minorities Pact arrived at in London as the result of intrigue on the part of certain communities? The Government of India dealt with the question of service in the railways a little earlier, and precisely the same line of action was suggested in the so-called Hasan Report. The Anglo-Indians have been specially protected and safeguarded on the ground that they have got vested interests, while others like Sikhs, with greater vested interests, are ignored.

**Mr. A. H. Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : Hasan's Report was published before the Minorities Pact.

**Sirdar Harbans Singh Brar** : I said, the trend of Government action since the Simon Commission has been moving in that one direction.

(Interruption by Captain Sher Muhammad Khan.)

I do not propose to give way. What I say is that in that report also definite and particular mention was made about these two communities only and there is no mention of Indian Christians or Sikhs or other minority communities. Their claims are much inferior to the claims of the Anglo-Indians. Mr. Hasan said that no mention need be made regarding Sikh representation in the services. The Anglo-Indians, who are only one-thirtieth of the Sikhs, have got much more than they can ever hope to get on a population basis. Now, comes the Chhota Communal Award, the Resolution of the Government of India reserving appointments for the minority communities. Here, again, the same two communities are petted. In addition to their 25 per cent., every vacancy, out of this 8½ per cent. reserved for the minorities, is to go to the Muslims and five per cent. is to be reserved for the community of my friend, Colonel Gidney, the Anglo-Indians, in particular departments; and a definite proportion is reserved for them in other cases; but as regards the Indian Christians, Sikhs and other minority communities, they are ignored. Now, my friend, Colonel Gidney, expressed great solicitude for the Indian Christians. He referred to local boards and municipalities. He shifts their claim to these bodies, so that his percentage, in the Government of India service, may not be touched by the Indian Christians. He shifts them on to the Local Governments. What do the Indian Christians get there? They get quite a lot. They are treated as equal citizens, along with other communities. In my own District Board, we had a Secretary for 28 years who is a highly paid official, who was an Indian Christian and in my municipality at Moga there is an Indian Christian who is the Secretary. So, we do not treat them in any way inferior to other citizens of the Empire. It is only in the heights of Simla and in Delhi that discriminations are made.

Mr. President, I wish even at this late stage the Government of India took away this vicious principle of communalism altogether and based it on merit or made a distinction between rural and urban, in the interests of the teeming millions whose trustees the Government profess to be. If services are to be pure and impartial, communalism must be got out of consideration.

**Lieut.-Colonel Sir Henry Gidney** : Why don't you introduce it in the Punjab?

**Sirdar Harbans Singh Brar :** Sir, Colonel Gidney asked me a question. But I am not responsible for the administration of the Punjab Government. I have, however, been doing quite a lot in my own place on the District Board, and if my Honourable friend will go there and try to find out the facts, there is a large community of Anglo-Indians at Ferozepore—and he will find out how they run the Board. Muhammadans, Hindus, Sikhs, they all work on the basis of economic interest, as rural *versus* urban and agriculturists *versus* non-agriculturists, and not on communal lines, and they thus give their due share to all who contribute to the revenues of the District Board, and not on a communalistic basis. Religion they all keep in their own homes and they do not bring it to the administration. Sir, I wish the Government also should observe non-communalistic principles for recruitment to their services, so that the members of my own humble community and those of the other minority communities might, on the score of their own merits, receive the fair consideration due to them. If, on the other hand, they are unable to do so, then I must urge that such power and patronage should not be distributed solely amongst the friends and favourites of the Government : that must be distributed on a fair and equitable basis between all the communities who compose this Indian Empire. I do hope and trust, Sir, that my Honourable friend, Sir Henry Craik,—who, I may say, was so very popular in the Punjab for having always administered the several Departments on a non-communalistic basis (Hear, hear),—will, now that he has come to the Government of India, consider how best to bring that spirit of non-communalism into the services, and to give a fair share to all the communities who are entitled to their equitable share in the administration of this great country. With these few remarks, Sir, I support the motion.

**Mr. F. E. James** (Madras : European) : Sir, I rise to extend the general support of our Group to this Resolution. I have no doubt that my Honourable friend, Dr. DeSouza, and the community which he represents so ably in this House will be extremely grateful to the championship of my Honourable and gallant friend, Sir Henry Gidney (Hear, hear), and I am also quite sure that the Leaders of the two great religious divisions in his community will weigh with great consideration the remarks that my Honourable and gallant friend made in regard to unity in the Indian Christian community, to the extent to which those remarks deserve consideration. I should like to bring the House back to the terms and spirit of the Resolution which was moved by my Honourable friend, Dr. DeSouza, in his speech, which, if he will allow me to say so, was not only eloquent, but restrained in its appeal to Government. Sir, the Resolution is of a general character : it recommends to the Governor General in Council that the claims of the Indian Christian community should be recognized in regard to two particular avenues of service. The first is the wider avenue of public service to the State, and the second is the avenue of what I might call service in connection with public affairs in the Committees which are set up to determine the future constitution of this country. Now, I am particularly concerned with the former ; with the latter, I have very little concern, and though I do endorse what my Honourable friend, Dr. DeSouza, said in his speech, *viz.*, that the Indian Christian community did feel very deeply their exclusion from the Third Round Table Conference, from the Joint Select Committee and from the Franchise Committee, I am not prepared for one moment to endorse



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the suggestion which my Honourable and gallant friend, Sir Henry Gidney, has made as to the reasons for those exclusions. It is better not to dig into the past and raise anew old controversies that are now better dead. But as far as the public service, so far as State employment is concerned, I think the community has a very distinct claim upon the sympathetic consideration of the Government : and I am quite sure that, in stating that claim with moderation, not on stark communalistic grounds, but on the ground of fair play and justice, my Honourable friend, Dr. DeSouza, will have every Member of this House with him. I do sincerely trust, Sir, that in the ensuing discussion, the communal argument, the stark communal consideration, will not be unduly pressed, because these considerations always arouse undesirable repercussions in different parts of the House ; and it would be much better if this House were to consider the Resolution in its limited terms and in the spirit of the speech of my Honourable friend, the Mover of the Resolution. I would particularly commend to the House the spirit in which my friend, Dr. DeSouza, moved this Resolution. He said :

“ We ask for no special concessions and special privileges. All that we ask for is that the Government of India, before surrendering the reins of power to the Swaraj Government, shall give adequate recognition of our status as numerically the third largest community in India, in literacy superior to all other communities, and in education and culture second to none in the political and public life of the country.”

Sir, I think there is no one in this House who would not support that claim. We felt, during the time when merit operated as the sole basis upon which the services were recruited, that the Indian Christian community, by reason of their high standard of education and culture, had very little to complain about : and, as my Honourable friend from the Punjab has just said, where it is purely a matter of merit and no other consideration operates, there would be absolutely no fear as to the position which the Indian Christian community will be able to attain in the public life of this country. But, Sir, in the present transitory stage, considerations of merit have, it seems, to be modified by communal considerations, and that makes the position different ; and that is the reason, as explained in my Honourable friend's speech, why the Indian Christian community, which has done so well in the past on the basis of merit, are a little apprehensive as to its position in the future. The claim, as I have already said, is a very moderate one ; it does not say that there should be this or that percentage ; it merely says that the Government should recognize their special position. The Resolution recently published by the Home Department makes the situation clearer. Thirty-three and one-third per cent. of the services, under the control of the Government of India, are to be allotted to the minorities, of which twenty-five per cent. will be allocated to the Muhammadan community. That leaves a matter of eight and one-third per cent. to be distributed amongst the other communities which are not specified ; and, it is presumed, that as the Indian Christian community is the third largest of the communities in India, and the second largest of the minority communities in India, Government will recognize that position in the distribution of the remaining eight and one-third per cent. My Honourable and gallant friend, Sir Henry Gidney, threw into the discussion a question which I consider is entirely extraneous. He referred to the question of the Provinces, of the District Boards, the Municipalities

and the High Courts. As far as I understand the Resolution, all that is really under consideration now are the services which are controlled by the Government of India themselves, and for whom this House is ultimately responsible for providing funds. Therefore, I consider that the Resolution should be limited, as far as discussions in this House are concerned, to this particular aspect. I would emphasize what my Honourable friend, Dr. DeSouza, has said that in the past this community has not been a communalistic community. Both wings of the community have so far endeavoured to place the nation first and the community second. That is why I find, amongst the representatives of the other great communities, a feeling of great friendship towards the members of the Indian Christian Community. We feel, therefore, that as in this transitory stage we have to make statutory provision for the proper representation of various communities in the public services (and I trust personally that this stage will ultimately in years to come pass out of existence and that once again merit will be the supreme test of the public servant), for the time being, in this transitory stage, when other considerations have to be borne in mind, as far as this Group is concerned, we would support my Honourable friend's contention and would urge very strongly that the Government of India should give a sympathetic reply to the representations he has made. I do hope that, without much further discussion, this House will be prepared to endorse the claim of my Honourable friend and ask the Government of India to consider it.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadian Urban) : Mr. President, I rise to support the Resolution which has been so ably moved by my friend, Dr. DeSouza. I am only sorry that in a somewhat minatory speech my Honourable and gallant friend, Sir Henry Gidney, took the community to task for having divided opinion on the question of India's political progress. It seems to me that he made a somewhat extraordinary statement when he suggested that the Award, as we call it, and the Government order relating to the representation of various communities in the services have been passed, having mainly the consideration of the loyalty and the loyal services of various communities. I do not know who is going to reply on behalf of Government, but I should be very much surprised if the spokesman of the Government were for a movement to suggest that the loyalty of any particular community weighed with it in the consideration of the question as to how far particular communities should be represented in the Government services and in what proportion. My Honourable friend, Sir Henry Gidney, talked of friends of the Government and enemies of the Government. Is my Honourable friend in a position to state that the friends of the Government are always friends and the enemies of the Government are always enemies ?

**Lieut. Colonel Sir Henry Gidney** : I rise on a personal explanation. I never used such word as the word 'enemy' and I strongly protest against the Honourable Member putting words which I never used into my mouth.

**Diwan Bahadur A. Ramaswami Mudaliar** : My Honourable friend's speech was delivered only a few minutes ago and it is within the recollection of the House. He might not have used the word 'enemy', but he certainly used the word 'friend', and he wanted to suggest that the

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Government, in passing its order on the communal representation on various services, mainly took into consideration the loyalty of the Muslim community and its freedom from participation in terrorist activities. Whatever the Government may have in their mind and whatever the Government spokesman may say on the subject, I am certain that the claims of my Muslim friends have not been based on any question of the friendship to Government and also not on any question of loyalty to Government, but on other considerations such as historical and other considerations of importance to that community. I was going to ask my Honourable friend before he gave his personal explanation, whether he is certain that the friends of today will continue to be the friends of tomorrow? Does he not know that friends and enemies do change with the changing circumstances? May I recall to my Honourable friend the conditions that prevailed in this country when the Khilafat agitation was at its zenith and when the Muslim community to a very large extent found itself unable to see eye to eye with the Government? Is it the contention of my Honourable friend that because there were two opinions expressed at the Round Table Conferences on behalf of the Indian Christian community and because Dr. Dutta took a particular view and Mr. Pannirselvam took a different view, therefore it was that the community had to suffer by this Government order? Certainly not. Is he not aware that the same sort of remark can be made with reference to other communities? Is there any single community in India which is united, homogenous and unanimous in its desire regarding the political advance of the country? Are there not two sections among the Muslim community itself? It may be that one is a microscopic section and the other is an overwhelming section. But these are extraneous considerations which ought not to influence Government. I do not think that the Government of India, with their sense of responsibility, could for a moment consider that because Dr. Dutta did not agree with my friend, Mr. Pannirselvam, therefore, they should penalise the Indian Christian community. It is an indictment against the Government of India which I certainly did not expect from an Honourable Member who, though he sits on neither side of the House, occupies a very central position and therefore neutral.

Now, Sir, as I said, what is the case of Dr. DeSouza with reference to this matter? He does not come forward and say that he has not been fairly treated. He does not come forward and say that the Government of India have not done justice to his community. It may be so, it may not be so. But he, along with the other minority communities in this country, is concerned about the future. They do not know what that future is going to be. They do not know how the services will be organised. They do not know what forces will come to play in regard to the question of the appointment of various communities. They do not know whether pure efficiency and merit will be taken into consideration or whether considerations relating to the likes and dislikes of the powers that be or of the majority for the time being with reference to religious predilections and other predilections of various minority communities will have a certain weight in the appointment of these services. That is an apprehension that has been voiced forth by every minority community in this country. It is for us, who are in the majority, to see that that apprehension is removed. It is for us to so

shape our conduct and to so formulate our policy that these apprehensions are proved to be illegitimate, unfounded and absolutely without any justification whatever. But till that date comes and till we are in a position to establish that fact, claims like this are bound to arise, and if one minority community is taken into consideration and its apprehensions are removed, then it seems to me that it is only reasonable that other minority communities should also come forward and press their claims and ask for a place under the sun so far as their future is concerned. Now, Sir, there is one other consideration that I should like to place before the House with reference to the claim that has been put forward by my friend, who is the champion of the Indian Christian community. They have pointed out that it is the third largest community in this country. Its population so far as British India is concerned, and we are to confine ourselves to British India only for this purpose, is a little over four millions. They form the third community in this country. When a Government order is issued relating to the representation of various communities, when specific mention is made of the Muslim community and specific mention is made of the Anglo-Indian and Domiciled European community who form a very small number, and when their interests are safeguarded, it seems to me that it is but reasonable that my friend, who is a spokesman and champion of his community in this Assembly, should come forward with a position that the Government have not done sufficient justice to the third largest minority community in this country and that more specific provision is needed. It is possible, at any rate, that the Government spokesman may refer to the fact that about  $8\frac{1}{2}$  per cent. is allotted to various minority communities and that the Indian Christian community can satisfy itself if out of that proportion a decent percentage goes to that community. It seems to me that the Government order has been very cleverly framed. The Parsees will get up and say what is our proportion? My Honourable friend, the Home Member, or his very able Secretary, will say:  $8\frac{1}{2}$  per cent. is reserved for other minority communities. The Sikhs, the Buddhists and the Jains may also come forward and say the same thing, and yet, my Honourable friend, the Home Member, will refer them to this  $8\frac{1}{2}$  per cent. Now, Sir, this seems to me to be a very unsatisfactory position so far as the actual facts are concerned. There is no meaning in referring to this  $8\frac{1}{2}$  per cent. and trying to satisfy by this, a hundred and one minority communities which will spring up. Is it possible to satisfy all of them with this  $8\frac{1}{2}$  per cent.? Further, this Government order suggests that if from the minor minorities, candidates are not forthcoming, for vacancies up to  $8\frac{1}{2}$  per cent., the residue will go to the Muslims. I see that my Honourable friend, Sir Henry Gidney, who spoke about the literate qualifications of the Indian Christian community, did not refer to that aspect of the case. If the Government are serious about giving to these minor minorities, if I may say so, their due share, does it for a moment contemplate or dream that the Indian Christian community, leaving alone all other minority communities for the moment, the Sikhs and others, will not at any time find  $8\frac{1}{2}$  per cent. that is reserved for all these minor minorities? Do the Government contemplate that the time will ever come when out of this  $8\frac{1}{2}$  per cent. a residue will be left which has to be carried over to the Muslim community? Has the Honourable Member who sat down to

[Diwan Bahadur A. Ramaswami Mudaliar.]

draft this Resolution of the Government of India ever cared to consider seriously this Resolution and appraise the real facts of the situation ? It seems to me knowing the circumstances in which the Indian Christian community is placed today with reference to education, efficiency and general qualification, it is impossible that the position can ever arise when out of  $8\frac{1}{2}$  per cent. a residue will be left which is to be carried over to the Muslim community. (Hear, hear.) That shows that the Government did not have seriously in mind the consideration regarding the Indian Christian community when they framed this Government order. If the Government had for a moment adverted to the Indian Christian community, to the position that it occupies at present in the Government service, to the position it fills with reference to educational qualifications, then the Government could never have put, what I may call, very respectfully with reference to the Government order, and yet I have to call it, an absurd proposal of that kind. (Hear, hear.) Therefore, Sir, all these facts taken cumulatively do render the Indian Christian community apprehensive as regards its position. My Honourable friend, Dr. DeSouza, is not a day too soon in coming forward with the suggestion that the position of the Indian Christian community must be positively prescribed and ascertained and not left in this vague and inchoate and undefined manner in which the Government order leaves that community.

Sir, I should like only to refer to one other aspect of the question, and I trust that no community will misunderstand me when I refer to the Indian Christian community and the most dignified place which it occupies in this country. I do not think it requires any elaboration from me if I state that it is very often difficult to discriminate the Indian Christian community from the Hindu community and find out the difference either from facial or from other resemblances, and the feeling of oneness between the Hindu and the Indian Christian communities is something not comparable with reference to any other community like the Muslims, the Sikhs or the Parsis. (Laughter.) Most of us have got the closest relation with our brethren of the Indian Christian community. In my part of the country, Southern India, I should like to state, that they are predominant in that part of the country, and there, their customs and manners almost very often are identical with those of the Hindu community. Socially, between the Hindus and the Christians, there is very little of distinction and to the extent it can be done, intercourse between the Hindus and the Indian Christians is so cordial that very little of the feeling of aloofness arises between them. Turning to political considerations, may I add a significant fact that the Indian Christian community is one of the few minority communities in this country which has its eyes cast neither to the East nor to the West, neither to Mecca nor to Japan, and it concentrates its full attention on the country in which its fortunes are laid. (Hear, hear.) The Indian Christian community cannot be charged with any sense of extra-territorial patriotism under any condition whatsoever. Its fortunes are our fortunes, its future is our future and its prosperity is the prosperity of the whole of India, of the Hindu and the Muslim communities. A community like that which has thrown its fortunes with the people with reference to many of its activities and which has completely identified itself with the people, it seems to me that a community like that should be better treated than any other community in the country. (Applause.) When this Government order ignores that community, I

think it is only proper, that not a member of the Indian Christian community, but a Hindu like myself should come forward and say : " I protest against the Government ignoring that community ". It is from that point of view that I wish to place this case. My Honourable friend, Mr. James, very correctly pointed out what I have been trying to say within the last few minutes, that the Indian Christian community has thrown itself heart and soul into every phase of progressive activity in this country, and it has deserved well by every other community in the country. Sir, I heartily support this Resolution. (Applause.)

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, if there is any community which deserves well of this House, it is the Indian Christian community. The Mover of the Resolution has made no secret of the fact that he is against communalism, and he has made no secret of the fact that he is not enamoured of the so-called minority pact or the partition of services brought about by the Resolution of the Home Department of the Government of India. In saying so, my Honourable friend, Dr. DeSouza, follows the line chalked out for him by the two great representatives of the Indian Christian community who appeared before the Simon Commission in 1928 and declared as their unanimous view that they were against communalism of all and any kind whether in the representation in the Indian Legislature or in the services. They further said that though this view would greatly prejudice their community in the near future yet they placed the ultimate good of the nation before the good of their own community (Hear, hear), and they, therefore, unanimously gave their view to the Royal Commission that they were against the introduction of communalism in any shape or form in the future constitution of this country. That is the view, Sir, which this great Christian community took on a momentous occasion and their protagonist in this House, Dr. DeSouza, has stated in emphatic terms that he stands by the views of the accredited representatives of his community. That is the first point that Honourable Members on both sides of the House must bear in mind. He has further pointed out that he is not claiming any share in the services beyond 33  $\frac{1}{3}$  per cent. reserved for the minority communities. Out of that, 25 per cent. has been earmarked for the Muslim community. The remainder of 8  $\frac{1}{3}$  per cent. is reserved for the other minorities, but while pointed reference is made in the Resolution to the Anglo-Indian and Domiciled European community, no reference was made to the third largest community in India and the reversion to undisposed of posts has been given to the Muslim community. My Honourable friend, Dr. DeSouza, points out that, in point of education and culture and homogeneity, the Indian Christian community is second to no other community in this country, and there is no reason why the Government of India, while allocating seats to the minority communities, should have forgotten to make any mention of this great community which rightly claims to be the third largest community in this country. My Honourable friend, Mr. Mudaliar, pointed out that this community is essentially Indian and is indistinguishable from the other communities of this country, particularly the Hindus. Not only in outward appearance is this community indistinguishable from the majority community in this country but in broad outlook on life and in their nationalistic views, this community has fought shoulder to shoulder with the majority community. As Dr. DeSouza has pointed out, he is not standing here for a share of the loaves and fishes of office justifying them on the ground justified by the Govern-

[Sir Hari Singh Gour.]

ment of India Resolution, but what he does say is this that if you are to have a partition of services where do the Indian Christians come in ? They must have their proper share, and, I submit, put in that light, there would be hardly anyone on this side of the House who would dissent from the contention of the Honourable the Mover. He has also pointed out that his community ranks first in point of education. Sir, Dr. DeSouza pointed out that his community ranks first in point of education. It has got more schools and colleges and has turned out a larger number of highly educated Indians than any other community in this country. Sir Henry Gidney, who prizes himself upon being a whole-hogger and a rank communalist, charged Dr. DeSouza with having been guilty of not joining the Minorities Pact. Sir, if Dr. DeSouza and his community had joined the Minorities Pact. ....

**Lieut.-Colonel Sir Henry Gidney :** They certainly did. The section of the Indian Christian community, under the leadership of Mr. Pannirselvam, was a signatory to it, and he was one of their two delegates.

**Sir Hari Singh Gour :** I am reminded by Sir Henry Gidney that the Christian community did join the Minorities Pact. But I may remind this House that they have been proclaiming from the house tops that they are against all communalism and it is only when intrigues began to operate behind the scenes, and my Honourable friend, Sir Henry Gidney, and members of the European Group wanted to dish the majority community in the Second Round Table Conference that the Christian community had no option but to join the Minorities Pact. But they were not willing signatories to it ; and Dr. DeSouza has here pointed out that he is not in favour of any communal pacts and he is not in favour of any communalism in the services of this country.

**Lieut.-Colonel Sir Henry Gidney :** Where does he say that ?

**Sir Hari Singh Gour :** He has said in the opening sentences of his speech that he is against communalism in this country.

**Lieut.-Colonel Sir Henry Gidney :** Sir, Dr. DeSouza said in his speech. ....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot speak for Dr. DeSouza. (Laughter.)

**Sir Hari Singh Gour :** My friend, Sir Henry Gidney, has shifted his centre of gravity from the centre to the side (Laughter), with a view to encouraging and inspiring Dr. DeSouza, but I am sure, in spite of that, Dr. DeSouza will keep an open mind and will not fall an easy victim to Sir Henry Gidney's machinations. Sir, Dr. DeSouza has a perfectly plain and straightforward case. His case is that if you are to divide up the services in this country upon communal lines, his own community, the third largest in India, must have a percentage of those services ; and he justifies his claim upon the ground that his community is second to none in point of education and culture and social advancement, and there is no reason, therefore, why that community should be ignored while the claims of other and lesser communities are considered. Take for example the community of Sir Henry Gidney which is a microscopic minority amongst the communities in this country, numbering not more than 1,00,000 people,

and yet, Sir Henry Gidney, by his persistency and able advocacy both in the Joint Committee and outside it, has secured to that community the lion's share in the public services of this country. Now, I submit that Dr. DeSouza's community is sixty times more numerous than Sir Henry Gidney's community; and if the Government of India were to give Sir Henry Gidney's community a percentage of the loaves and fishes and public offices in this country, Dr. DeSouza has got a claim sixty times stronger than the claim of Sir Henry Gidney's community. There is absolutely nothing to choose between the two communities. In point of loyalty to which my friend, Sir Henry Gidney, alluded, the Christian community ranks equal to the Anglo-Indian community; in point of education and culture they are not second to the Anglo-Indian community. Then what difference is there between the patronage accorded to one community and denied to the other?

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muhamadan) : They are more vocal.

**Sir Hari Singh Gour** : My friend says the Anglo-Indian community is more vocal. I am quite sure that the small grasshopper that chirps in the field attracts more attention of the passers-by than the grand buffalo that lies there browsing quietly in the sun and whose very presence is ignored by him. This little grasshopper of the Anglo-Indian community has attracted the attention of Government and ensured its patronage, but this great community that reposes in the sunshine and the shadow of India, serving the people and asking the passers-by to give to it what are its deserts, has been ignored because it has not been vocal. I hope, Sir, that this House will join with the Honourable the Mover of the Resolution in voicing the sentiments of that community that it is entitled to a fair and,—may I add,—a substantial share out of the percentage allotted to the minorities.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhamadan Rural) : Sir, before I develop my argument, I should just like to put one question to Sir Henry Gidney and I will wait for a reply. Is he or is he not an Indian?

**Lieut.-Colonel Sir Henry Gidney** : I must ask for notice of that question. (Loud Laughter.)

**Dr. Ziauddin Ahmad** : Sir, silence is the only reply that I can give to that. If I say anything, probably he will move a motion for adjournment on myself.

**Lieut.-Colonel Sir Henry Gidney** : My time is more profitably occupied.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : No, he will go and consult at home.

**Dr. Ziauddin Ahmad** : He said repeatedly on the floor of the House, though he may not admit it today, that he was an Indian and he was proud of being an Indian. I am a strong believer in one principle : others may or may not agree with me in it, but I think that if India is ever to be united, if India is ever to acquire real nationalism, the one thing to be done is to satisfy the minorities. If you look into the history of any other country, you will find that troubles always arose from this fact that the minorities were not satisfied. The majorities are always



[Dr. Ziauddin Ahmad.]

satisfied, as they are the Government, and it is only the minorities that have to be satisfied. If we are to be united, if we are to develop Indian nationalism, if we are to have independence one day, the one essential thing is to satisfy the minorities which inhabit this country, so that all may unite, and form one nation.....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : The reasonable claims of minorities.

**Dr. Ziauddin Ahmad** : My friend says "Reasonable claims". When we say "Satisfy the claims of minorities", we mean "satisfy the reasonable claims"—that is evident. This was done by the Egyptians before they became one nation : they had to satisfy the Christian minority there, and then they practically united together, and we never hear in Egypt of anything communal, as we hear in India today. So I am strongly of opinion that we should satisfy Dr. DeSouza. We should also satisfy Sir Henry Gidney. But my difficulty in his case is of an entirely different type. Colonel Gidney has said that he is an Indian and I presume nobody can doubt that he is a Christian. Sir Henry Gidney is an Indian Christian and Dr. DeSouza is also an Indian Christian ; and, therefore, I ask what the difference is between them and why they want separate shares. The only answer which I can find is colour.

**An Honourable Member** : Not always :

**Dr. Ziauddin Ahmad** : If that is not the case, if colour is not the consideration, what is the consideration ? I refuse to divide the Christians on the ground of colour or on the ground of their fatness or tallness, and say that persons who are short should get so much percentage and persons who are tall should get so much. My difficulty is to find out in what way they differ. From the point of view of religion it is the same. There may be some difference in culture. If that is so, I should like to know what is the culture of an Indian Christian. This point has been developed by my friend, Diwan Bahadur Ramaswami Mudaliar, already, that from the cultural point of view, the Indian Christians do not differ from Hindus. Here, I would like to relate something which happened when I was on the Continent : I met an American millionaire, a man who had endowed large sums of money for the American missionary societies, and he was referring to the report, and told me that two most important communities in India had become Christians in very large numbers : and I asked him : "What are those communities ?" and he said, "Bhangiyos and Chamiers". I said, these are two important communities from the point of view of the Americans who do not know Indian conditions, but, certainly, we in India do not consider these two communities to be the most important communities inhabiting this particular land. Though I have very great sympathy for my friend, Dr. DeSouza, and I started with the assumption that we should satisfy the Indian Christian community in every possible manner, yet, at the same time, I should like to mention two facts. One was mentioned by my friend, Mr. Sitaramaraju, when he said : "Do not say, for goodness sake, that you have not got your proper percentage". I have figures here of the Christian community in various services under the Government of India, and I think they have no reason to complain. As far as the higher appointments are concerned, they have no reasons to complain.

So as far as I am concerned, in order to be true to my principle, I am prepared to meet him as much as possible, but I want to know what is the difference between him and Sir Henry Gidney ? You are both Indians and you are both Christians. In what way, therefore, do you differentiate yourselves ? One of you, perhaps, has got European blood in him, and the other has no European blood in him. If that be the case, then there are Muminmadans who are of Arab stock, some who have ancient European blood in them, some with Persian blood, and so on ; and if we begin to divide ourselves, according to the blood of the original country, then, I think, there will be indefinite number of cross divisions ; it will be impossible to classify them under any category. Therefore, I think, you will have to make out the difference between the two classes of Indian Christians : as far as we are concerned, we are quite content and willing to satisfy every one so that all of us may work together for the common good of the country. With these words, I support the motion.

**Mr. Jagan Nath Aggarwal :** Sir, I have much pleasure in supporting this Resolution, and for a variety of reasons. One of these reasons is that I am a signatory to the Resolution, and, fortunately or unfortunately, I drew it in the ballot. Another is, my association with the Indian Christian community since they are a part of my constituency. They are neither Muslims nor Sikhs : they are the " others " ; and they are in the same category as the Hindus, and, therefore, it is just as well that I say a few words on the subject. There is, however, another reason, if I may say so, for saying something at this stage, and that is the remarks that fell from my gallant friend, Sir Henry Gidney. Sir Henry Gidney, safe in the position secured to him by the Minorities Pact, that unholy alliance at the Second Round Table Conference, came out in a somewhat patronising way to pat the Indian Christians : he said, " Yes ; it is just as well that you have your share : I have mine safe enough : you have yours ". Now, what is that ? It is really generosity at other peoples' cost. Colonel Gidney has his share secured by the Pact at the Round Table Conference : in common with the Muslims, Europeans and others, they had their shares fixed : and now he comes and pats,—in fact he travels to a side of the House and sits by the side of Dr. DeSouza, telling him to stand fast in his demand for his share. What does it mean ? It is almost threatening. It means : " We had our share ; you have yours ". But from whom ? From the unfortunate Hindus, sitting here and there scattered about,—the so-called majority on paper.

Let me pass from that, and make a few observations. The first thing that occurs to me, out of the remarks of Colonel Gidney, is that it was the advice of Dr. S. K. Dutta at the Round Table Conference which perhaps had landed the Indian Christian community in their present position. Now, I wish to say only one thing. There are people here who know Dr. Dutta more intimately than I do ; but every one has genuine regard for his services to this country, and it came with somewhat of a bad grace from Colonel Gidney to say that it was Dr. Dutta who let them down. If Dr. Dutta was not much of an intriguer and did not succeed like Colonel Gidney with the politicians there is no discredit to him. Dr. Dutta took a nationalistic view, and if he took up a view which did not find favour with Colonel Gidney then all the credit goes to Dr. Dutta. Therefore, if Dr. Dutta has allowed the Christian community to remain with the Hindus and the " others ", it is all to the good, and it is from that point

[Mr. Jagan Nath Aggarwal.]

of view, that I make bold to say that if percentages have to be reserved for minorities, if this unfortunate state of affairs is to continue for any length of time, then it is just as well that Dr. DeSouza has his share. In this connection I would like to say one thing : that when you are reserving these percentages, and the Indian Christian community has come last into the field to claim its percentage, I think it is just as well to look into the question from the historic point of view. The Indian Christian community, we have been told, had done well when merit was the ruling guide. All credit to them. The Indian Christian community stands by it, and so long as the Government of India and the Provincial Governments of this country are going to be run on the principle of merit and merit alone, they are content to remain where they are. They were fairly safe when merit was the real test laid down for public appointments, and they are quite content to remain where they are, if merit is going to be the sole or the predominant consideration in the making of appointments. Dr. Dutta, and many others like him, have mentioned that if merit is not going to be the sole consideration, and if in the future constitution of this country, you are going to have other principles to go by, then it is just as well that this community which yields to none, which is inferior to none in point of importance, in point of historical associations, in point of culture and in point of intellect, should have its share of loaves and fishes of office and its percentage in the Legislature fixed, just as in the case of other communities. Sir, I am one of those who hate these percentages by religions and communities, and that I do so on broad general grounds,—and not because of any partiality for any particular community. Citizenship of a country knows of no divided loyalty, and it can owe allegiance to no one except to the Government of the country. But, when you bring in the poison of divided loyalty, loyalty to religions and communities, then it is just as well to take stock of the situation. I am reminded of what Mr. Balfour said, in speaking on Lord Morley's Bill, in the House of Commons. The Reforms Bill of 1909 introduced the principle of communal representation in a democratic country, in a democratic constitution. It was not much of a democratic constitution, it was only an attempt at a reformed constitution in Lord Morley's Bill. He said he would have opposed this Bill thoroughly and without hesitation, because he hated any kind of communal representation in a democratic constitution, but, he added, this was India,—and he knew next to nothing of this country, and also because the Government of India say it is just as well to have it hence he would agree. But starting from that time, during the last 25 years, we have had communal representation with a vengeance. We have it in the Legislatures, local bodies, services, we will have it in the army, and we will have it in the marriage registers, birth figures, and God knows where it will end. But if that is so, if the minorities insist on having these percentages fixed,—let us hope only for a short time,—then it is just as well to recognise the fact that the Indian Christian community has its claims, and their claims should be recognised on all the grounds that have been put forward by them. I do not think for a moment that the Government is actuated by the claim of loyalties or abstention from terrorism and other things, which my friend made much of,—they are all passing phases,—but the claims to this recognition are based on far sounder foundations than those mentioned by my friend over there.....

**Lieut.-Colonel Sir Henry Gidney :** Sir, I rise to make a personal explanation. The Honourable Member and several others have made reference to what I said about Dr. Datta. My object in referring to him was this, and I hope Honourable Members will understand it quite clearly. My opinion is that the reason for the cleavage between the two religious sections of the community, as represented by Mr. Pannerselvam and Dr. Datta, was because of their religious differences,—one was not prepared to agree with the other, and so the voice of the community was completely divided. It was because of disunity and impossibility of getting one member to represent the views of the community that Government could not send an Indian Christian to the Third Round Table Conference and the Joint Parliamentary Committee whose numbers were more limited. Therefore, if Honourable Members think that in my opinion Dr. Datta's political views had anything to do with this position, I wish emphatically to state that such was not my reason, the reason was entirely a religious difference between the two representatives, they could not agree together, and, as they demanded two seats for the Third Round Table Conference and the Joint Parliamentary Committee, Government could not acquiesce, and so they went by default.

**Mr. Jagan Nath Aggarwal :** Sir, I am glad of this belated personal explanation. All that I was saying was, that the claims of the minorities rest on a far better foundation, and in this connection I may say that Dr. Ziauddin's point that the claims of minorities in this country have to be satisfied is true to a certain extent, but not wholly true. One might say that the minorities might claim so much that the majority communities claims will vanish into thin air. If we look to the proposals of the future Federal Constitution, we see that the so-called Hindu majority of 77 per cent. in this country is reduced in British India to a very ineffective minority of 42 per cent., and 42 per cent. is a very ineffective minority....

**Sir Hari Singh Gour :** That is not all....

**Mr. Jagan Nath Aggarwal :** Grant that the claims of the minorities have to be satisfied, but that only means that their reasonable claims have to be satisfied in a reasonable way, subject always to the over-riding consideration, that the minorities should not be used to deprive the majority of their statutory right, or to reduce the majority to an absolutely ineffective minority. I, therefore, say, although I support this Resolution, and I support it heartily, that the Government of India, when dealing with these percentages, should bear this in mind and make enough provision for merit, and if unfortunately the majority community is lumped up with many others in this country, and if things come to that pass, there should be a certain percentage reserved for the majority also. If things are coming to that sorry pass, in which the majority will disappear into thin air, then reserve for us any percentage 30, 40 or 25 per cent. whichever you like, because we will then know where we stand. Sir, I heartily support the Resolution moved by my friend, Dr. DeSouza.

**Mr. Sitakanta Mahapatra (Orissa Division : Non-Muhammadan) :** Sir, I have racked my brains to find out what the word 'community' means. Nobody could tell me if it has been defined anywhere by the Government. At last I took the help of a dictionary and found the meaning as "a body of men having religion, profession, etc., in common". On the strength of this, the Government have divided us in the matter

[Mr. Sitakanta Mahapatra.]

of representation in various spheres, such as, services, Legislatures, etc., as the Hindu community, the Muslim community, the Sikh community, the Christian community, etc., etc. Up to this, it is all right. But when the Christian community is sub-divided into Indian Christian community, the Anglo-Indian Christian community, the European Christian community and so on, and given separate representation, and the Jains, Parsis, Budhists, etc., are taken into the Hindu community, I am again puzzled. My trouble comes here again. I have been appealing to the Government for some consideration, in different spheres, for the Oriyas, whom I would describe as the Oriya Hindu community, although I wish I could include in Oriyas every one inhabiting Orissa without any distinction of caste or creed.....

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The Honourable the Home Member said, during the last Delhi session ; " Oriyas are not recognised as a community for recruitment ". Then, again, at page 1919 of the proceedings of the same Session, the Honourable the Finance Member says : " We have no rules for securing proper representation of inhabitants of particular areas ". Then again, in reply to a question of mine a few days back, here in Simla, the Honourable the Home Member said :

" As has been explained on several occasions in this House, the Government of India have not undertaken to secure representation for Provinces, either generally or in terms of particular communities. I have no information whether there are any Oriyas in the Government of India offices at the headquarters, and I do not think any useful purpose would be served by collecting the information in view of what I have just stated."

But, on the first of this month, the Honourable the Home Member, in reply to a question regarding Bengal Muslims, said :

" I will ascertain how many Bengali Muslims are actually employed in the Government of India Secretariat."

Sir, where is the logic or consistency in these two statements ? What useful purpose will be served by ascertaining how many Bengali Muslims are there in the Secretariat of the Government of India ? If the Christian community can be divided into the Indian Christian community, the Anglo-Indian Christian community and the European Christian community, and in some cases Muslims can be divided in terms of Provinces, why not the Hindus in terms of Oriya Hindus ? Is it, because, in the whole of the Government of India Departments, not only the Secretariats but the Railways, Customs, Archaeology, Medical, etc., there is not a single Oriya anywhere ? Sir, I think, in view of the fact that there is a tendency of dividing India into Provinces on linguistic basis, and Provinces are soon going to be autonomous, a time has come for the Government of India to consider the cases of different communities in terms of Provinces at least where the disparagement is extremely great.

I wish to make myself clearly understood that I for one stand for

1 P.M.

Indian nationalism, but as the Government has thought it fit to put every obstacle against the growth of Indian nationalism since the days of Minto-Morley Reforms, by dividing the Indian community into sub-divisions according to religious persuasions and then following up the vicious principle by still further sub-dividing

† This portion was expunged by the direction of the House—vide page 1463 of these debates, dated the 14th August, 1934.

men of one religious faith into groups, may I not demand of the Government to be a little more logical and provide for representation of various provincial communities in the services and the Legislatures? Division of a people on racial, linguistic, ethnological and geographical basis, has the tendency of giving solidarity to the people and may not retard the progress of nationalism, but to select only religion, and then members of a particular religious persuasion, to look to their Provinces and denying the same for members of a particular community and Province, is a principle, which I must condemn and the Government lay themselves open to the charge of following the principle of "divide and rule".

I am speaking of my much neglected community and Province, not because I am in favour of sub-dividing the Indian nation, but, because I believe that my Province and community have not received their proper share of the services and representation in the Legislature through neglect of the Government, and because they have not asserted themselves with the same insistence as other communities. I do warn the Government against such neglect of a community which, only till recently, was independent fifty years after Bengal, and is the inheritor of a great civilisation, which every student of ancient history and culture knows. I demand, on behalf of the Oriyas, that the Government should take into consideration the claims of the Oriyas if they do not want to drive a peaceful community to raise the standard of revolt against the misdeeds of their rulers.

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**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris : Muhamadan) : Sir, I have no hesitation in supporting this Resolution. I have no quarrel with the Indian Christians. They are a minority community in my Province, though they are well off there. But the Government ought not to have helped the Indian Christians at the expense of the Mussalmans. In the Madras Presidency, where the Muslims form about seven per cent. and the Indian Christians form about  $3\frac{1}{2}$  per cent., recently the way of the Government, either of this Government or of the Government of Madras, was to help the Indian Christians at the expense of the Mussalmans. Sir, you know that for the last 14 years after the Montford Reforms came into being, the Mussalmans had a seat in the Madras Cabinet. For what reason, I do not know, that representation of Muslims in the Madras Cabinet has been taken away and given to the Indian Christians. I have no quarrel with the Indian Christians; my quarrel is with the Government. As you know, Sir, in the Madras Government, either in one way or another, the Indian Christians have been represented all the time. You know that one of the Presidents of the Madras Legislative Council was an Indian Christian, the Secretary of the Madras Legislative Council was an Indian Christian, and one of the Ministers was an Indian Christian. The Indian Christians were not without representation in the Madras Government, but the only Muslim representation we had in the Cabinet has been removed. It is an insult to the whole Mussalman population of the Madras Presidency, to say that there is no qualified Mussalman. The Government has been insulting the Mussalmans of Madras for the last 14 or 15 years. In 1919 or 1920 the only Muslim High Court Judge we had on the Madras High Court retired, and Government could not find another Mussalman till now to represent the Mussalmans on the High Court

† This portion was expunged by the direction of the House—vide page 1468 of these debates, dated the 14th August, 1934.

[Mr. Uppi Saheb Bahadur.]

Bench ! Another insult is that the Government could not find one Mussalman in the 35 lakhs of Mussalmans in Madras to represent them in the Cabinet. I am not making any comparison, comparison is always odious, but could they not find one Mussalman with equal qualification to the one whom they selected last time ! There are any number, if they only care to know. Nobody is more blind than those who will not see. To say that there is no Mussalman in the Madras Presidency to represent us on the High Court Bench is,—I would have used the proper word if you will not object me using it,—to say the least, a lame excuse. In order to suit their purpose, they were saying something or other and hoodwinking us for the last 15 years and even now they have insulted us. I want to clear my position with regard to my Honourable friend, Dr. DeSouza. I have no quarrel with the Indian Christians. My quarrel is that Government have deprived us of our right to be represented on the Cabinet. Government have been insulting us for the last 14 or 15 years and now it has come to the culminating point. I only protest against the Government action for the last 15 years.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division : Non-Muhamadan Rural) : Sir, with regard to the demand put forward by the Honourable the Mover of the Resolution for safeguarding the interests of the Indian Christian community in respect of representation in the services and on committees, I have got to submit that as long as the Government decision on the Communal Award was not announced, the Christian community as a whole had steadfastly stood for a truly national outlook in the matter. But now that the Government have recognized the principle of communal representation in the services, and conceded valuable privileges to other minority communities, it is but natural that the Christian community should feel aggrieved and press for its claims.

Sir, I myself do feel, that at the time of taking its decision on the subject of communal representation in the services, Government should not have failed to consider the claims of the third important community of India. When representation to the Anglo-Indian community was granted, quite out of proportion to its numerical strength, there was absolutely no justification for ignoring the Indian Christian community. But in this matter of communal representation, Government have not adhered to any fixed principle. The Muslim community has been given protection because it was not sufficiently represented in the services and the reservation of appointments for them on this ground may seem just, but the Anglo-Indian community has been given protection, *because* in the past they were given the lion's share in some services ! So between these two contradictory attitudes, it was but natural that injustice be done to other communities. It was impossible to avoid it !

In conclusion, Sir, I have got to say that when the principle of distribution of posts on communal lines has been accepted by the Government, then, as a matter of justice, I shall feel glad, if the Honourable the

Mover can succeed in inducing the Government to fix a reasonable percentage for the Christian community as well. It is highly desirable that we should try and find out, as much as possible, a common agreement between ourselves, otherwise, if this spirit, which looks only towards differences, is perpetuated through the legislative enactment of this highest Legislature of the land, then we shall be giving a wrong lead, the consequences of which will be serious in future. (Hear, hear.)

The problem of Indian politics will not be solved by apportioning seats in the elected bodies and services on a communal basis, but through the spirit of service and co-operation among the communities it may be possible. Sir, the Honourable the Mover has stated that he demands these safeguards for his community, so that this avenue of service to the motherland may not be closed to them. I submit that there are so many fields of service open to each community, in this poor and much-afflicted land, that really one cannot complain of lack of opportunities ! The Christian community is highly educated and advanced, and so far, has not stood in need of any protection in the matter of securing appointments in Government service and, I think, the Christian community would have been well-advised not to change its truly national outlook ; but, as they do demand it as a matter of justice, their rights may be protected, when similar protection has been accorded to the rights of others. With these few words, Sir, I resume my seat.

**Mr. C. M. Trivedi** (Government of India : Nominated Official) : Sir, the Resolution, which has been moved with such eloquence and with such earnestness by my Honourable friend, Dr. DeSouza, and, on which, other Honourable Members have spoken with equal eloquence, is divided into two parts. I shall deal first with that part of the Resolution which relates to the recognition of the claims of the Indian Christian community for adequate representation in the services. In the term "services", I must make it clear that I include only the All-India Services and the Central Services under the control of the Government of India. The Central Government is not concerned with the services recruited by the Provincial Governments under their own powers. There can be no question of the Government of India interfering with the statutory powers which the Local Governments have to regulate recruitment to the provincial and subordinate services. The Government of India are much less concerned with the services under local bodies such as municipalities or district Boards, to which my Honourable and gallant friend, Sir Henry Gidney, referred. Now, I need hardly remind the House that the policy of the Government of India in the matter of the representation of the different communities in the public services is to prevent a preponderance of any one class or community in the services. As the House is well aware, that policy was adopted in 1923 at the instance of the Legislative Assembly. On the 10th April, 1923, this Assembly unanimously adopted a Resolution, recommending *inter alia*, that steps should be taken to secure that the services are not unduly over-weighted with the representatives of any one class or community, and that, as far as possible, the claims of all communities are considered. This disposes of the allegation made by my Honourable friend, Bhai Parma Nand, that Government is largely responsible for introducing communalism in the services. As the House is well aware, the method adopted, since 1925 for the application of that policy, is the reservation of one-third of all permanent vacancies for direct recruitment for the redress of communal inequalities. The recent Home Department Resolution, to which I shall have occasion to refer in some detail in the



[Mr. C. M. Trivedi.]

latter part of my speech, makes some modification in that method, but the policy I have just mentioned, *viz.*, the policy of preventing a preponderance of any one class or community in the services, remains unchanged, and the first point I should like to make is that for the purposes of that policy the Indian Christian community will continue to be regarded, as at present, a minority community. I hope this will satisfy the European Group, on whose behalf my Honourable friend, Mr. James, gave a general support to this Resolution. The second point I would like to make is that the Indian Christian community forms only 1.4 per cent. of the total population of British India, and that that community is at present represented in the public services well in excess of its population ratio to the total population of British India. My Honourable friend, Mr. Sitaramaraju, quoted some statistics in this connection, but may I, Sir, with your permission and the permission of the House, give a general picture of the existing position regarding the representation of the Indian Christian community in the All-India Services and the Central Services under the control of the Government of India. I realize, Sir, that statistics are very dull, but statistics are an essential part of my case and I should like to take this House through some of them. Take, for instance, the I. C. S. In that service, out of 395 Indians, 23, or about 5.8 per cent. are Indian Christians. That community has done well in the I. C. S. examination in recent years, thanks no doubt to the high level of education in that community to which my Honourable friend, Dr. DeSouza, referred in his speech with great pride, and justifiable pride I may say. Out of a total of 206 Indians selected for appointment to the I. C. S. on the results of the competitive examination, from 1925-26—and that is the year in which the policy, I have just now referred to was introduced—, ten, *i.e.*, about five per cent. were Indian Christians.

**Dr. F. X. DeSouza** (Nominated Non-Official) : Which appointments ?

**Mr. C. M. Trivedi** : The I. C. S.

**Dr. F. X. DeSouza** : At the Delhi examinations ?

**Mr. C. M. Trivedi** : Delhi and London combined.

Again, out of 32 Indians nominated to the I. C. S. since 1925—that is, the year in which the policy to which I have already referred was adopted—three were Indian Christians. The nominations were the direct result of the policy which I have just mentioned. The number of Indian Christians in the I. C. S. has increased from 11 in 1925 to 23 at the end of 1933. Take, again, the Indian Police, in which out of 155 Indians, five, that is to say, a little over three per cent., are Indian Christians. Of the total Indian intake by direct recruitment since 1925, two, or about three per cent. have been Indian Christians. Of these one was obtained by competition and one by nomination. The number of Indian Christians in the Indian Police has increased from two in 1925 to five in 1933. I have got here detailed statistics, showing the position of the Indian Christian community in some of the more important Central Services, but I do not like to weary the House with these figures. I should like, however, to mention certain other figures. In the clerical establishments of the Central Government, the percentages of Indian Christians in 1932 were a little over two per cent. in the Departments of the Government of India, 1.8 per cent. in the Attached and Subordinate Offices, Delhi and Simla; and a little over three per cent. in Subordinate Offices elsewhere.

than at Simla and Delhi. Further, of the permanent appointments made in 1932 by direct recruitment, Indian Christians secured two out of 73 in Departments of the Government of India, or a little over  $2\frac{1}{2}$  per cent. ; six, out of 152, in the Attached and Subordinate offices at Simla and Delhi, or nearly four per cent. ; and 70 out of 1,242 in offices elsewhere than at Simla and Delhi, that is, a little over  $5\frac{1}{2}$  per cent.

On the Railways, out of the total subordinate staff of a lakh and a quarter on Class I railways, on the 31st December, 1932, a little over three per cent., or, to be exact, 3.3 per cent., were Indian Christians. On State Railways, Indian Christians formed in 1931, 2.82 per cent. of the total subordinate staff, and 4.3 per cent. of that staff on Rs. 150 and over. In the Posts and Telegraphs Department, Indian Christians form two per cent. of the total Indian staff. In non-clerical and non-gazetted superior staff of that Department, they form a little over  $6\frac{1}{2}$  per cent. of the total Indian staff.

I hope, Sir, these figures will convince the House that the Indian Christian community is generally represented in the all-India and Central Services well in excess of their population ratio.

I will now turn to the question of the position of the community under the recent Home Department Resolution. In the speech which my Honourable friend, Dr. DeSouza, made on the 26th of last month, while moving his Resolution, I think, he stated that the Resolution virtually ignored the claims of the Indian Christian community for a share in the public services. He went further and added that it had rung the death-knell of the hopes of the community for the future. I quite appreciate the anxiety—a legitimate anxiety—of my Honourable friend regarding the position of the Indian Christians, but I cannot agree with the words which he used. In fact, if I may say so, without any offence, he used the language of picturesque exaggeration and I would make it clear that I emphatically disagree with him. Before issuing that Resolution, the Government of India considered carefully the position of minority communities other than Muslims and Anglo-Indians, and they satisfied themselves that the new rules would continue to provide for those other minorities,—and I may repeat, that the Indian Christian community is one of those minorities—as at present, a reasonable degree of representation in the services. This conclusion has been stated in paragraph 4 of the Resolution and is based on the following facts : firstly, the Indian Christian community is, speaking generally, a highly educated community and should be able to hold its own in direct recruitment to unreserved vacancies, namely, two-thirds of the total vacancies, whether recruitment is made by competitive examination or by selection ; secondly, the Indian Christian community will, as I have stated already more than once, continue to be regarded as a minority community. For services recruited on an all-India basis, it will be entitled, along with minority communities other than Muslims, to a share of  $8\frac{1}{3}$  per cent. of vacancies. The communities other than Muslims, hitherto regarded as minority communities, are Anglo-Indians and Domiciled Europeans, Sikhs, Indian Christians and Parsis and the population of these minorities in British India is about 2.64. There are other minority communities which account for about seven per cent. of the total population of British India, but these communities rarely compete or apply for the public services, and I anticipate that, in actual practice, practically the whole of the  $8\frac{1}{3}$  per cent. of vacancies would go to Anglo-Indians, Indian Christians, Sikhs and Parsis, who constitute, I might repeat, only 2.64 per cent. of the population in British India. In services

[Mr. C. M. Trivedi.]

recruited locally, the position will also practically be the same. The reservation of 8-1/3 per cent. will, however, be obtained by fixing a percentage for each railway or local area or circle having regard to the population ratio of minority communities, other than Muslims in that area, and the rules for recruitment adopted by the Local Government of that area concerned. This will ensure that in those areas in which the Indian Christian community preponderates, their representation in the Central Services recruited on a local basis in those areas will be commensurate with their preponderance. It is true that in subordinate posts on Railways only six per cent. of vacancies is reserved for minorities, other than Muslims and Anglo-Indians. This percentage is, however, approximately the percentage of posts held by members of these communities at present, and the Indian Christian community need not, I think, fear that their present position in the matter of subordinate posts on railways, which I have already said is favourable, will be undermined. Neither is there any reason to fear that their position in the Posts and Telegraphs Department will be undermined, as in the Departments or branches of the Posts and Telegraphs Department, in which a special reservation is made for Anglo-Indians, the reservation of vacancies for other minorities, that is, minorities other than Muslims and Anglo-Indians, will be fixed so as to be equal approximately to the percentage of subordinate posts at present held by them. In the light of these facts, I maintain, Sir, that the Government of India are perfectly justified in the claim they have made in paragraph 4 of that Resolution. That claim is that the Government of India are satisfied that the new rules will continue to provide for them, as at present, a reasonable degree of representation in the services.

My Honourable friend, Dr. DeSouza, asked that a specific percentage of vacancies should be reserved for Indian Christians as in the case of Muslims and Anglo-Indians. I am afraid it is not possible to accept this. The reasons which have led the Government of India to reserve 25 per cent. of vacancies for Muslims, 8 per cent. for Anglo-Indians in subordinate posts on railways and 5 per cent. of vacancies in certain branches of the Posts and Telegraphs Department for Anglo-Indians do not hold good in the case of Indian Christians. Muslims form about 25 per cent. of the total population of British India, but a review of the existing system, which has been in operation for over seven or eight years, showed that in practice they obtained only 18 or 20 per cent. of vacancies, and in some cases even less than that percentage. This is not the case with Indian Christians who have obtained in the past a percentage of vacancies much in excess of their population ratio. Reservation of a certain percentage of vacancies in certain Departments has been made for Anglo-Indians, because they are employed in large numbers only in certain departments. Indian Christians, on the other hand, are employed in all branches or grades of the public service. The Indian Christian community, like any other community in India, is to a certain extent dependent on Government employment, but the Anglo-Indians are very largely dependent on employment in certain branches of the public service, namely, Railways, Posts and Telegraphs and Customs, and it was, therefore, necessary to take steps to prevent in the new conditions anything in the nature of a rapid displacement of Anglo-Indians from their existing position which might occasion a violent dislocation of the economic structure of the community. Moreover, personally I feel that a reservation of a specific percentage of vacancies for Indian Christians is not in their own real interests, even

if some weightage is given. My reason for this view is that that community is already well represented in the services and will, so far as I can see, continue to be represented very much to the same extent in those services. But even if a weighted percentage is fixed, it might be even less than the percentage of posts the Indian Christian community holds at present.

My Honourable friend, Dr. DeSouza, made another suggestion, namely, that in the annual returns of recruitment a column should be added for Indian Christians. That, if I may say so, is a very valuable suggestion and I have great pleasure in accepting it. (Applause.) The Government of India attach much importance to these annual returns as providing a valuable means of enabling them to watch the observance of the rules laid down in the Home Department Resolution. The opening of a separate column for the Indian Christian community will enable the Government of India to review from time to time the effect of the new policy on the position of Indian Christians, and I have no doubt that if any remedial action was necessary, Government would carefully consider the desirability of taking such action. May I also add that under the new constitution it will be one of the special responsibilities of the Governor General to safeguard the legitimate interests of minorities ?

I might sum up in one sentence what I have said on the first part of the Resolution. The Indian Christian community is well represented in the public services at present and it need not have any apprehension that the new orders will not provide a reasonable degree of representation for them in the services and Government will watch the position of the Indian Christian community in the services through annual returns.

I now turn to the second part of the Resolution, namely, the recognition of the claims of the Indian Christian community for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected. I do not propose to follow my Honourable friend, Dr. DeSouza, into the details of the personnel of the various conferences and committees mentioned by him, or my Honourable and gallant friend, Colonel Gidney, into the reasons why the Indian Christian community was not represented on some of these conferences and committees. I should like, however, to deal with the matter on broad general lines. Committees do not decide matters affecting the political future either of the Indian Christian community, or for the matter of that any other community. The functions of Committees are to investigate and recommend, but decisions on their recommendations rest with Government. Committees are formed primarily to carry out work, not to represent interests, though in the selection of the personnel consideration is had to the existence of interests affected, of which the Indian Christians are merely one. The question of the representation of various communities on Committees stand on a different footing from that of their representation in the public services. Committees are not constituted primarily on a communal basis, but I can give one assurance, that the claims and wishes of the Indian Christian community for inclusion in such future Committees would be taken into account (Hear, hear) together with other considerations relevant to the composition of the particular Committee.

Sir, before I sit down may I suggest to my Honourable friend, Dr. DeSouza, that in view of the position explained by me he might perhaps wish to withdraw his Resolution.

[Mr. C. M. Trivedi.]

One word more, and I have done. This is the first occasion on which I have had the privilege of addressing this Honourable House, and I thank the Honourable Members of this Honourable House for listening patiently to a speech, a good deal of which, dealing as it did with dry statistics, must have been unusually dull. (Applause.)

**Dr. F. X. DeSouza :** Mr. President, I gratefully accept the kind and enthusiastic reception which was given to the Resolution which I, as a humble representative of the Indian Christian community, had the honour to move in this House,—a reception extremely favourable from all quarters of the House except from the Government of India. (Hear, hear and Applause.) I have had the unique advantage in this House that I have been able to create a sharp cleavage of opinion between the elected representatives of the people of India and the Government of India. (Hear, hear.)

**Sardar Sant Singh** (West Punjab : Sikh) : Then come over to this side.

**Dr. F. X. DeSouza :** But, Sir, I am really not anxious to widen that cleavage by transforming into action the feelings voiced by the elected representatives of the people of India and asking them to vote in my favour and thereby show that they condemn the policy of the Government of India. I do not want to accentuate the cleavage.

**Mr. Gaya Prasad Singh :** We do not mind that. We will vote with you. (Applause.)

**Dr. F. X. DeSouza :** I only want to draw the attention of the House to the unanimity with which the Indian Christian Associations throughout the length and breadth of India have given me their support and encouragement and have forwarded to me copy after copy of the resolutions which they have passed condemning what I would call the iniquitous appointment award which my Honourable friend, Mr. Trivedi, tried to defend. I will read only one sample and in this case from a very important Indian Christian Association, Lahore, and another from Allahabad. The Association says :

“ We have seen the new rules published by the Government of India regarding appointments to Public Services. The rules are intended to safeguard the interests of the minority communities, but it is clear that provision has been made in the interest of two communities only, the Muslims and the Anglo-Indians. The claims of the Indian Christians have been totally ignored, in spite of its being second minority community in point of numbers. Sub-rule 7 (III) gives further advantage to Muslims over other minority communities by providing that if in open competition and for nomination, there are not enough qualified candidates, the percentage provided for other minority communities will be available for Muslims. Therefore, it is resolved that this Indian Christian Association strongly protest against this unfair omission of reasonable provision for Indian Christians and calls upon the Government of India to remedy this defect so that the claims of our community may not be sacrificed for the sake of a stronger minority community. It is hoped and urged that the rules be revised.”

If the Resolution, which I have moved in this House, has not done anything else it has done one thing. For the first time in history, Catholic and Protestant Associations have joined—and this will please my Honourable and gallant friend, Sir Henry Gidney—in publicly condemning the policy of the Government of India towards our community, I do not wish to detain the House longer, but I wish to mention

that the manner in which the Indian Christian community has been systematically ignored, neglected and humiliated in the constitution of different committees to which I referred the other day is such that we feel that some action on the part of the Government of India is necessary to restore our self-respect and to restore our prestige before the other communities of India (Hear, hear). It is for that reason that I am pressing this Resolution (Hear, hear). All the other communities of India look down upon us and whenever I meet members of other communities they put me the question, what are you ? and when I say that I am an Indian Christian, they taunt me by saying, we know what the Government thinks of you. I want to disabuse the public mind, I want to disabuse the Government of India of the impression that the Indian Christian community do not count for anything in this country. We want to show that we too count for something in this country.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : We want a clear verdict from this House on the point.

**Dr. F. X. DeSouza** : The only recognition we get from the Government of India is when high officials of Government, like Governors, Members of Council, etc., visit our schools and our charitable institutions, they praise our loyalty and they say that our schools are the nurseries of future loyal servants of the Government of India. They say : we set an example of Christian conduct which other communities should follow. But when we ask for a concrete recognition of that loyalty, what do we get ? Absolutely nothing. We discover that our loyalty like virtue is its own reward.

3 P.M.

Sir, what I have liked more than anything else in today's debate is the manner in which all the other communities, Hindu, Muslim and Sikh, have recognized that we, though Christian in faith, have our hearts beating in unison with the other communities of India. Sir, the nationalism of the future is not going to be a Hindu nationalism or a Muslim nationalism, nor is it going to be a Christian or Anglo-Indian nationalism. It is going to be a composite nationalism in which Hindus, Muslims, Christians and Anglo-Indians will all take part. And in the nationalism so constituted, it will be the right and the duty of the Christians to contribute to the richness and the purity of that nationalism in an ever increasing measure in accordance with the demands of freedom and toleration.

Sir, it is possible, that we have been ignored by the Government of India in their iniquitous Resolution, because hitherto we have never participated in sectarian and separatist movements. Our Christian leaders from the very beginning, like the late Mr. Madhu Sudan Das and Rev. Kali Charan Banerji, were Indians first and Christians afterwards ; and so shall we remain till the very end, till nationalism arises in this country to which we shall continue to give our share according to our lights and according to our advancement in education and standards of conduct.

Sir, I say again that I thank all the sections of the House for the favourable reception they have given to my Resolution. I also thank, though in a somewhat Pickwickian sense, the Government of India for the way in which they have accepted one or two of my suggestions and for an expression of their feeling of sympathy. It is true that fine

[Dr. F. X. DeSouza.]

words butter no parsnips nor will the sympathy of the Government of India fill our empty stomachs. But all the same the debate on my Resolution has served the purpose for which it was brought, and for that reason, I ask the permission of the House to withdraw the Resolution.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Has the Honourable Member the leave of the House to withdraw his Resolution ?

**Several Honourable Members** : No, no.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That this Assembly recommends to the Governor General in Council that the claims of the Indian Christian community for adequate representation in the services and for representation on any Committee to be constituted by the Government of India, by the decision of which the political future of the community may be affected, should be recognised.”

The motion was adopted.

#### RESOLUTION *RE*. APPOINTMENT OF A COMMITTEE ON THE INDIAN COAL INDUSTRY.

**Mr. A. H. Ghuznavi** (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, I beg to move :

“ That this Assembly recommends to the Governor General in Council that immediate steps be taken to appoint a Committee to inquire as to how far the present abnormal depression in the Indian Coal Industry is due to the working of the State-owned Railway Collieries and the present surcharge of Railway freight on coal and other causes and to suggest ways and means for its improvement.”

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Lieut.-Colonel Sir Henry Gidney, one of the Panel of Chairmen.]

Sir, coal is a national asset. It is a key and basic industry, and, according to the Government of India, it is vital to the economic structure of India. Sir, of all the Empire countries, India ranks second only to Great Britain in the volume of her production of coal ; and what is its position today ? Almost on its last leg and on the verge of bankruptcy. Is this national industry to be preserved and conserved ? The only answer to this will be, at all costs and by all means.

Sir, the problem of coal is to my mind a two-fold one. The first is to raise the low and uneconomic price level by restricting the potential productive capacity of the mines ; the other is to remove certain factors which stand in the way of increasing the demand. Pending the general economic and industrial depression which accounts for about 35 per cent. decrease in the consumption of coal, some form of control of the potential productive capacity of the mines can alone raise the prices to a higher and economic level. The removal of certain other factors which have harmed the revival of the coal trade is essential for effecting an improvement in the demand for coal. These factors are—(1) The acquisition and development of uneconomic State-owned and Company-owned Railway Collieries. The House will bear in mind that the railways are the

single largest consumer of coal in India ; (2) high railway freight, and on the top of that the 15 per cent. surcharge on long distance coal traffic ; (3) differential treatment of Central Provinces coal in the matter of railway freight ; (4) want of cheap and economic railway freight for soft coke ; (5) the increased and increasing substitution of oil fuel in place of coal ; and (6) last, but not the least, the numerous taxes and cesses which no other industry, except coal, is required to pay.

What is the present position ? Briefly speaking, India's immediately available productive capacity is something like 26 to 27 million tons, whereas the consumption of coal in India today will not exceed 18 million tons. India's power of coal supply has developed enormously, whilst the demand has fallen considerably. The trade has, therefore, very justly pointed out that it is this great "disequilibrium between demand and immediately productive capacity, that is at once the cause and the measure of the problem". It is this surplus capacity which the consumers exploit and therein lies the whole crux of the parlous situation in which the industry finds itself today. This contention of the trade is well illustrated by the offer of the industry of over 13½ million tons of coal to meet the State Railway requirements of only 2½ million tons. They offered it knowing that the State Railways and the other Railways want only 2½ million tons. The industry, therefore, sought the assistance of Government for the control of this enormous productive capacity of the mines in India. But as usual Government have turned a deaf ear to this, and has, for the time being at any rate, turned down the scheme proposed for its control, without suggesting any alternative remedy. The worst feature of the Government letter turning down the industry's proposal is to reject the scheme and then send it to the Local Governments concerned for opinion....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Which scheme do you mean ?

**Mr. A. H. Ghuznavi** : The coal restriction scheme submitted by the industry—the Government of India sent it to the Local Governments for opinion, with this paragraph added in their letter :

"The Government of India are thus disposed to consider that the best course for them to take would be to reject the application for the institution of control."

Then they send that letter to the Local Governments for their opinion. If I may say so, this is putting the cart before the horse. According to the terms of the Government letter, it would take a very strong expression of opinion to change the decision. The chances of acceptance of control were placed by my Honourable friend, Sir Frank Noyce, when he visited Calcutta and met a deputation of the coal interests, at 9 to 1 against its acceptance and the chances of its being introduced in this Assembly. Personally, I consider the industry has made out a very good case for control or restriction of output, which is accepted in all large coal producing countries as necessary and desirable, both from the point of view of the producers as well as the consumers. I am firmly convinced that unless this enormous productive power is controlled, it will lead to an era of unrestrained competition between colliery companies for business, which will result in a concentration on the best seams of coal, so that they would soon be worked out. When it is necessary to win coal which is left, it will be found that the costs



[Mr. A. H. Ghuznavi.]

will be high and the consumer, whose interests the Government have so much at heart, would not be a gainer in the long run but a loser. Surely, it is the duty of the Government to prevent such a contingency.

The Resolution which I have just moved does not touch the question of the control of output which is in a state of suspended animation and is engaging the attention of Provincial Governments concerned in the industry. Neither is it to be treated as an alternative to it ; nor should this Resolution be made an excuse for delaying the introduction of a control scheme. A control scheme must be taken up at once and without delay.

My Resolution, however, is limited in scope and its purpose is to remove the other obstacles already referred to, which have been hampering the trade revival. I have behind me the unanimous support of the trade, of colliery interests, large and small, representing four-fifths of the total output of coal in British India, and the backing of the three premier organisations of the industry—the Indian Mining Association, the Indian Mining Federation and the Indian Colliery Owners' Association : they are all agreed and I have their backing behind me. It is impossible for me within the limited time at my disposal to deal exhaustively with all the factors already referred to. Indeed it will be the function of the Committee, if any constituted, to do so. Still, to explain the position I shall briefly touch on few points. The chief demand for coal comes from the Railways which consume about 35 per cent. of the total output. Acquisition of collieries by railways was, therefore, a serious blow to the industry, particularly as such acquisitions coincided with the slump in coal, which commenced in 1923. The position was aggravated by the general depression in trade which made its appearance in 1927-28. According to Mr. Whitworth's memorandum, these acquisitions were justified by Government, because it stated that high rates were charged by the trade for the railway coal during war. Sir, I repudiate that charge. During the war, Mr. Chairman, the Controller of Coal used to fix the price of coal, and not the trade. The trade had nothing to do with the fixing of price in those days. The collieries were commandeered by Government, and the Controller of Coal was a Government servant, and he used to fix the price.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Who was the Controller of Coal then ? Was it Mr. Church ?

**Mr. A. H. Ghuznavi** : Yes, Mr. Church was then the Controller.

Then, Sir, another argument was adduced, that after the war a higher price was charged by the companies. That is also not true. The reason was this. The comparative high price of coal during the immediate post-war period was due partly to the abnormal post-war conditions and partly to Mr. Church's policy of having a three-year contract for railway coal from 1921-22 to 1923-24, instead of annual contracts. That is the reason. I put it before the House, if immediately after the war, Government wanted to buy coal for three years, surely the trade was justified in concluding that there must be something behind it, and asking for higher prices. It was then for Mr. Church to have refused the offer, and to go in for the usual annual contracts for which he would have been offered much lower prices.

It is, however, profitless now to discuss the necessity or otherwise of acquisition of mines by railways originally. The collieries have been acquired. Before I proceed further, let me tell this House that the Railway Board have been buying collieries even in 1929. ....

**An Honourable Member :** Even in 1931.

**Mr. A. H. Ghuznavi :** Yes, even in 1931, when the coal trade was in an absolutely depressed condition, when they could buy coal in the market at a much lower price, the Railway Board went on buying these uneconomic collieries, for which they had no justification, and for using the coal from these collieries, they had to alter the very fire-boxes in engines in order to enable the engines to use the second class coal, whereas you were actually getting first class coal in the market for half the price. All that, Sir, will come out before the Public Accounts Committee, where I believe Mr. Whitworth's memorandum will be discussed, and where it will be possible for us to demolish every sentence and every line that is contained in it. The Honourable the Finance Member is not in his seat just now, but he will see for himself how much public money has been wasted all these years.

**Mr. Chairman,** it is the contention of the trade generally that the Railways can and do now obtain coal more cheaply from the market than they can produce it, as has been proved definitely by the statement prepared by competent chartered accountants. The trade, therefore, desire that the whole of the railway coal should be purchased from the market. The trade further desire that these Railway Collieries should be placed on a care and maintenance basis to be utilised on an emergency, provided the Railways suffer no loss as regards their investments and have adequate safeguards for their future supplies of coal at reasonable cost. The presence of the Railway Collieries and the possibility of their development constitute perhaps one of the best safeguards against an excessive rise in the price of coal to the consumer, including the Railways.

Sir, in this position of affairs this Resolution, in so far as it calls for a closing of the Railway Collieries, asks that assurances, already given to the trade by Sir Alan Parsons, (then Mr. Parsons) and Sir Guthrie Russell in the past, be now acted upon. ....

**Mr. P. B. Rau** (Financial Commissioner, Railways): Will the Honourable Member please quote those assurances?

**Mr. A. H. Ghuznavi :** Yes, Sir, I shall quote them.

Sir Alan Parsons, then Mr. Parsons, in 1930, gave it as his considered opinion that Rs. 4-12-0 per ton was a fair price for coal and had said that if the price fell below that figure he was prepared to consider purchasing from the market the then current production of the Railway Collieries.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : May I know for what class of coal that price was fixed?

**Mr. A. H. Ghuznavi :** I will answer that outside the House. I do not want to waste the limited time at my disposal.

Sir Guthrie Russell, then Mr. Russell, on the 25th April, 1931, addressing the Indian Mining Association said as follows :

"If the coal trade could put forward proposals showing that it would pay the Railways to buy more coal from the open market, then the Board would certainly be prepared to consider them."

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The Trade has proved beyond contention and put forward proposals since to show that the Railways can buy coal much cheaper and that it would pay the Railways to do so. Then again, what did Sir Alan Parsons say at the same time ? " If the Railways were able to obtain at the same price as they were able to raise it from their own collieries, they would prefer to take their supplies from the open market and conserve their own collieries." I stand by that statement,—that they should conserve their own collieries for emergency, they should buy coal from the open market, not at the same cost as your coal, but at a lower price, and buy also first class coal, while you raise second class coal in your collieries. Sir, the Committee of the Indian Mining Association on the 18th July, 1933, submitted to the Railway Board a proposal for the closing of the Railway Collieries temporarily for one year, and placing them on a care and maintenance basis without causing the slightest loss to the Railways, but securing a saving of Rs. 6 lakhs on the Government's system of costing and about Rs. 22 lakhs on the commercial system of costing, after providing for full interest on capital invested at  $3\frac{1}{2}$  per cent. and maintenance charges. The Association also guaranteed supply of railway coal of requisite quality at prices stated but Government, as usual, have done nothing in that connection.

Sir, coming to the second point about the surcharge, this surcharge was intended to be temporary and was introduced in 1932 to make up for the depleted revenues of the Railways, due to the abnormal trade depression. What do we find ? The abnormal trade depression made it impossible for the railways to balance their budget. ....

**Mr. Chairman** (Lieut.-Colonel Sir Henry Gidney) : The Honourable Member has three minutes left to conclude his speech.

**Mr. A. H. Ghuznavi** : I will not be more than five or six minutes, there is a lot to say. (*Some Honourable Members* : " Go on.") But they did not put the surcharge on any other commodity except coal, because it was very easy to do, a very simple calculation. They wanted Rs. 65 lakhs and the surcharge of 15 per cent. gave them that amount. But the railway earnings have been steadily going up, but this temporary surcharge continues. Though abnormal trade condition was the justification for this burden, yet coal was the only commodity which was called upon to bear such a surcharge to the exclusion of all other commodities. On the other hand, concession in freight, after the surcharge was imposed on coal, has been granted to other industries since the imposition of the surcharge, while coal cannot pass on this surcharge as a whole to the consumer and may, therefore, be said that coal is paying for the concessions in freight made to other commodities. Further, it is to be noted that, while the Government has aided by trade agreements and by the imposition of protective duties such commodities as tea, pig iron, cotton, wheat, sugar-cane, etc., nothing has been done to assist coal in any way. Be it remembered that this surcharge was in addition to the railway freight on coal which had always been considered as very high, and whose reduction had already been pressed by the industry. A careful study of the coal traffic over the Indian Railways would show that coal paid about .150 pie per maund per mile, which is nothing less than 50 per cent. more than the ordinary minima of .10 per maund per mile paid for goods in general.

Even up to 300 miles the rate for coal has been in excess by 40 per cent. over the normal minima. If the terminal charges are also added, the rates are bound to go higher still. It is, therefore, clear enough that coal, which is vital to the economic structure of a country, far from receiving preferential tariff treatment, has been paying far more than most commodities have had to pay.

In turning down the scheme of control recently, the Government of India remembered the interests of the consumers. One may effectively contrast the concern of the Government to guard the consumers' interest against the possible rise in price of eight annas per ton or even one rupee under a system of control, with their action in imposing without the slightest compunction 15 per cent. surcharge on coal freight, the effect of which had been an increase in the price of coal by as much two rupees per ton to consumers in districts removed from the coal producing centres. Then, again, the Government decision must have been influenced by the possibility of the payment of one rupee per ton of coal purchased by railways, which would mean a further liability of Rs. 33 lakhs on the part of the railways, in the event of the control scheme being accepted. But they forget that even if the railways have to pay one rupee more per ton, which I doubt, this loss will be more than compensated by increased railway freights, income-tax and super-tax earnings and various other benefits resulting from an improvement in the industry.

The limitation of time compels me to leave out the other factors included in the Resolution. But I feel that it will not be right for me to conclude without saying a few words as to the abnormal decline in the price of coal. Remarkable has been the decline in the average price per ton of coal in Bengal and Bihar fields. The average price has decreased since 1924 by more than six rupees per ton for first class coal and by nearly five rupees per ton for second class coal, representing decreases of nearly 58 per cent. and 61 per cent. respectively. The average present market rates for steam coal do not exceed Rs. 3-4-0 for first class and Rs. 2-8-0 for second class or even lower. The prices of steam coal must of necessity be adjusted for loss on slack, which unavoidably forms about 25 per cent. of the total output. When this is done, the average prices for steam coal become equivalent to only Rs. 2-12-0 for first class and Rs. 2 for second class coal, at which it certainly cannot be produced, except under exceptionally favourable circumstances.

In order to have a fair comparison between the fall in prices of coal and that of other important commodities, the period for coal should commence from 1923, and not 1927-28. When we do that, we find that the price of coal fell more steeply than prices of other commodities. It will be found that, while coal prices declined by about 62 per cent. approximately during 1923-33, those of other commodities during that period fell as follows :

Jute manufactures about 49 per cent.

Tea about 43 per cent.

Cotton manufactures about 30 per cent.

Iron and steel about 19 per cent.

It would also appear that at the end of 1933, while the annual average index number of coal stood at 53, that of cereals stood at 66; sugar at

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132, tea at 92, jute manufactures at 77, cotton manufactures at 113, and metals at 99.

The present position of the coal industry, even according to the Government is "very unsatisfactory". The disadvantages of the existing state of affairs have been summarised by the Government as follows :

"(1) Financial losses to the industry, the investing public and Government revenue.

(2) A weakening of the industry.

(3) A tendency to confine production to seams of the best quality coal ; and

(4) An undesirable reduction of wages and salaries."

Under these circumstances, and pending the introduction of some kind of control of output, the Government can well remove the difficulties, some of which are of their own creation, which have been hampering trade, such as the closing down of the Railway Collieries and the removal of the 15 per cent. surcharge on railway freight. While contending that they form no alternative to control of production, the trade is unanimously of opinion that, if adopted at once, they will assist the industry in its present precarious position.

**Mr. Chairman** (Lieut.-Colonel Sir Henry Gidney) : The Honourable Member must bring his remarks to a close.

**Mr. A. H. Ghuznavi** : I shall just close. If this House appoints a Committee, the Committee can investigate, first, if it would be cheaper to buy coal than to raise it, if the collieries can be closed without loss to the public interest, what has been the effect of the 15 per cent. surcharge and what will be the effect of its removal, whether without the surcharge, the railway freight is not already too high, whether a cheap or a lower freight for soft coke is not a necessity and what, if anything, may be done regarding oil fuel which is competing with the coal industry. Mr. Chairman, these are some of the points for consideration. Let me appeal to my Honourable friends, Sir Joseph Bhore and Sir Frank Noyce, to come to the rescue of this national industry which is on its last leg. Let me appeal to both of my Honourable friends who are held in high esteem by all sections of the trade and the industry. I invite them in the interest of Bengal and Bihar and in the interests of the coal industry in India to come to its rescue by accepting this Resolution and forming a Committee to go into the particulars, and find out whether they can devise any means to protect this industry from utter ruin. It is entirely in their hands to give temporary relief by closing down their collieries, and withdrawing the surcharge. This will give the trade sufficient time to breathe. Mr. Chairman, I have finished.

**Mr. Chairman** (Lieut.-Colonel Sir Henry Gidney) : Resolution moved :

"That this Assembly recommends to the Governor General in Council that immediate steps be taken to appoint a Committee to inquire as to how far the present abnormal depression in the Indian Coal Industry is due to the working of the State-owned Railway Collieries and the present surcharge of Railway freight on coal and other causes and to suggest ways and means for its improvement."

**Mr. Gaya Prasad Singh** : Sir, in so far as the Resolution of my Honourable friend, Mr. Ghuznavi, asks for the appointment of a Committee to inquire into the position of the coal industry in this country,

I have no particular objection to it, but when he goes further and assigns different reasons for the depression, I do not necessarily endorse all his observations. It is admitted that the coal industry is suffering from a serious slump, and this being a key industry it behoves the Government and ourselves to find out a solution for the recovery and development of this industry. The collieries are mostly situated in my province of Bihar and Orissa, and, to that extent, I am interested in the discussion of this question. There is only one point to which I should like to refer and that is with regard to the proposed restriction in the output of coal from different collieries. Sir, with regard to that I should like to state at the outset that I am opposed to this restriction scheme being put into operation. There are different reasons for the depression in the coal trade and I should like to refer to them very briefly. There is in the first place an all-round economic and industrial depression, which has led to about 35 per cent. decrease in the consumption of coal. Now, the general depression in the various industries has had its natural repercussion upon the coal trade of this country, and it has also suffered a depression to a corresponding degree. The second point is the increased and increasing substitution of oil and electricity in the place of coal. In recent years, owing to the increasing use of fuel oil or electricity and other methods, it is likely that the use of coal has gone down. The third point is the high railway freight and the 15 per cent. surcharge on long distance coal traffic which has proved very disastrous to the coal trade. I understand that my Honourable friend, Mr. Ghuznavi, has referred to many of these points.

**Mr. A. H. Ghuznavi :** All these points have been referred to.

**Mr. Gaya Prasad Singh :** Therefore, I will not go into them in detail. Then, Sir, the other point I should like to refer to is the want of cheap and economic railway freight for soft coke. And lastly is the over-production in big collieries on account of the introduction of mechanical contrivances for cutting coal. I do not know whether my Honourable friend referred to that point. Now, Sir, if there has been over-production—in the first place I do not admit that there has been over-production—the over-production has been mostly taking place in the case of big collieries, where these mechanical contrivances for cutting coal have been introduced in recent years.

**Mr. A. H. Ghuznavi :** They are withdrawing them now.

**Mr. Gaya Prasad Singh :** Now, whether there is over-production of coal or not, I should like to give some figures. In 1923, the total output in British India in lakhs of tons is 187 ; the total output in India including States in lakhs of tons is 196, and the total consumption in various industries in India is 201. In 1924, 202, total output in British India ; total output in India including States is 211, and total consumption in various industries in India is 213. In 1925, it is 199, 209 and 211 respectively. In 1926, it is 200, 209, 205. In 1927, it is 211, 220, 217. In 1928, it is 215, 225 and 220. In 1929, it is 223, 234 and 238. In 1930, it is 226, 238 and 235. In 1931, it is 205, 217 and 213. In 1932, it is 187, 201 and 196. The figures for 1933 are not available. Now, Sir, the excess of consumption over-production in the years 1923—1925 which I have read out is attributed to the fact that some quantity of foreign coal was imported into India during those years. I do not think that the scheme for restricting the output of coal would be the proper way of remedying the drawbacks

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to which reference has been made by my Honourable friend, Mr. Ghuznavi. The Ahmedabad Millowners' Association in this connection says :

" My Committee is of opinion that the scheme is objectionable in principle. To restrict the output of any industry by a scheme of compulsory restriction through legislation, as suggested by the Indian Colliery Owners' Association, is obviously unfair and unjustifiable."

A voluntary restriction may be adopted, if they like. Sir, it will be seen that during recent years, a number of small collieries have closed down, and if we impose outside restriction on the output of coal, it is quite on the cards that these small collieries will remain closed for ever, and thus throw a large number of labourers out of employment. I think, therefore, Sir, without taking much time of the House....

Mr. A. H. Ghuznavi : But they have withdrawn....

Mr. Gaya Prasad Singh : However, Sir, I have only to state that I do not agree to any scheme, if it is still under consideration, of restricting the output of coal, but I give my general support to the proposal of my friend, Mr. Ghuznavi, asking for some sort of enquiry into the condition of the coaltrade in this country.

Mr. G. Morgan (Bengal : European) : Sir, I rise to support this Resolution. My Honourable friend, Mr. Ghuznavi, has covered most of the ground which I would have covered, had I spoken before him (Ironical Laughter) ; in fact all that I have got down in my notes he has already said. (Laughter.) Well, Sir, I have before me all the papers.....

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

.....referring to the Resolution, the interviews the industry had with my Honourable friend, Sir Frank Noyce, the interview that the various Associations in Calcutta had with H. E. the Governor of Bengal, and what I gather is that the industry has no option, at the present moment, but to adhere to their scheme of restriction. They say that the industry must have some scheme of control in order to be saved from complete bankruptcy. Some system of control is absolutely essential. Now my Honourable friend, the Member for Industries and Labour, in the interview he had with the industry at Calcutta, did not say that the door was completely closed, bolted and barred against any scheme. Unfortunately, in the letter to the Local Governments, a paragraph was put in there, in which the Government said that they saw no option but to turn down this scheme of restriction. Personally I think it was a pity that that paragraph crept in, the letter was a very clear statement of the Government's case without that being said. In Calcutta, with regard to paragraph 10 of that letter, the Honourable Sir Frank Noyce, I understand, said that Government visualized the operation of a scheme through a Control Board, containing an equal representation of the producing and the consuming interests, but reserving the fixation of a general quota to the Government of India.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : May I ask my Honourable friend from what he is reading ?

Mr. G. Morgan : I am reading from a report sent to me of the meeting.

**The Honourable Sir Frank Noyce :** Report by whom ?

**Mr. G. Morgan :** By the Indian Mining Association Committee.

**The Honourable Sir Frank Noyce :** I should like to explain that my meeting with the Indian Mining Association representatives was purely informal and that no report of the proceedings was sent to me for correction.

**Mr. G. Morgan :** Then, I shall make one general remark—that I may take it, from the papers I have seen, that the Government of India are sympathetic towards some scheme of control, although they are very definitely against the particular scheme of restriction sent up by the Indian mining interests. Now, Sir, with regard to the appointment of a Committee of Enquiry, the Resolution has three points to consider—the fifteen per cent. surcharge on Railway freight on coal, the Railway Collieries and other causes of the depression. I shall start with the last mentioned of the points. The “other causes” are the causes mentioned by my Honourable friend, Mr. Ghuznavi ; the difficulty of the coal trade at the present moment is that its potential production is 26 million to 27 million tons, and that is a position which can be exploited by consumers. It is not a question of the control of the output as pertains at the present moment : it is a question evolving some scheme, whereby this exploitation by consumers cannot be carried on indefinitely. As my Honourable friend, Mr. Ghuznavi, pointed out, 13½ million tons were tendered for a quantity of 2½ million tons required by the Railways and the prices seemed to be going down every time these tenders were called for ; and what we do want is some control to safeguard against an increase in production to anything like the potential productivity of the mines.

Now, with regard to the fifteen per cent. surcharge, that has been the subject of many questions and of a great deal of discussion. What the coal trade feel is that they have to pay a great deal of money and they are the only commodity which pays enormously in order to make up some of the deficit which the Railways have run into. Now, we have figures showing that recently there have been considerable concessions given by various Railways in India to other commodities,—fuel oil, iron and steel products, sugar, gunnies. to mention only four ; and the figures, I have, show that the concessions range from something like seven per cent. up to fifty per cent. Now, unless the various Railways can prove that they are making extra money under these concessions, it really means that the fifteen per cent. surcharge on the coal goes to fill up the gap made by these concessions.

With regard to the consumers, we have definite information that the largest consumers on the Bengal side have no objection to some scheme of control. I think the Honourable the Mover read out the names of these people—viz. : the Bengal Chamber of Commerce, the Indian Chamber of Commerce, the Bengal National Chamber of Commerce, the Calcutta Electric Supply Corporation, the Oriental Gas Company, the jute mills, the tea interests and others ; that covers a very large proportion of the consumers on that side of India.

**Mr. Gaya Prasad Singh :** Why do not they impose a voluntary restriction on the output, if they are unanimous ?

**Mr. G. Morgan :** My Honourable friend, Mr. Ghuznavi, said that it was very difficult for Local Governments to give an opinion in face of that paragraph in the Government of India's letter ; but I do not think



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that that will deter them from giving their definite opinion on the subject, and as far as I know, Bengal has already sent up its recommendations, but I have not seen any such recommendations; I do not know whether the Government of Bihar and Orissa have sent up their recommendations, but I am quite sure that if they honestly are of opinion that some scheme of control should come in, I do not think they will be biased by the remarks made by the Government of India.

Well, Sir, I have very little more to say on the subject. As I have said before, my Honourable friend, Mr. Ghuznavi, 4 P.M. has already covered all the ground; the other causes are quite apparent; the potential production of coal is apparent to everybody and that constitutes a very serious danger. The 15 per cent. surcharge has been threshed out over and over again, and we are definitely of opinion that the coal industry is paying at a rate which it should not pay. With regard to the railway-owned collieries, that again, has been the subject of discussion for the last two or three years and the Government of India have definitely said that they would not consider any question of shutting down the collieries. But the point made by the Government of India about the restriction of output is certainly a true one. They have restricted their output considerably during the last two years. We should like to be perfectly certain that unless they were forced by a rise beyond what might be called a fair level of maximum price and unless they were forced to pay a very high price for their coal, there should be a guarantee from Government that there would be no increase over the last two years' production of the railway-owned collieries. That, at any rate, I think, we might ask Government to assure us. In connection with the railway-owned collieries, the Honourable Mr. Ghuznavi has read out two opinions by Sir Guthrie Russell and Sir Alan Parsons, which were made in 1931, and we should be very glad to see those opinions given effect to. Sir, I hope the Government will view this Resolution, not only with sympathy, but with some practical result and we should like something definite taken in hand. We should like a Committee of Enquiry to be appointed at once, and there should be no delay in the submission of their report to the Government of India.

Sir, I support the Resolution.

**Mr. P. R. Rau :** Sir, though the subject-matter of this Resolution deals directly with the Department of my Honourable friend, Sir Frank Noyce, the subject of Railway Collieries has loomed so large in this debate that, I think, the House will pardon me, if I intervene at this early stage in order to make the position of Government quite clear on the point. Sir, this Resolution was drawn in the ballot by my Honourable friend from Bombay but it is in the fitness of things that it is moved by my Honourable friend, Mr. Ghuznavi, whose name has been identified both in this House and outside with coal for the last two or three years. Sir, I have been, however, surprised at the transformation of my Honourable friend from one whose sole business was to reduce coal prices in the last two or three years to one whose business is to raise up coal prices. (Hear, hear.) Sir, for the last three years in season and out of season he has lost no opportunity of belabouring the Railway Board for their laxness in not taking every advantage of the market to reduce coal prices still further. I have heard of such rapid transformations in the stock

exchange, where bulls have suddenly become bears and bears have become bulls. I had not, however, observed such changes in this House till now. My Honourable friend, Mr. Ghuznavi, was a bear hitherto—I do not refer to his manners, they are very charming—and he has suddenly become a bull.

Sir, while we are talking of railway collieries, I should like to give the House a few figures to bring before them the realities of the situation. We are dealing with collieries the total capital invested in which amounts to four crores of rupees, and the maximum annual capacity of which is six million tons. Taking the State-managed Railway Collieries alone, the total capital invested is nearly two crores, and their annual estimated capacity is 2½ million tons. Notwithstanding that, during the last three years, Government have not allowed more than 1,150,000 tons to be raised from the State-managed Railway Collieries. This represents only one-third of their requirements, and less than half of their capacity. The rest they have bought from the market.

It is unnecessary for me to remind the House of the situation in which Railways were compelled to buy collieries. It was mainly due to the fact that they found themselves unable to obtain coal at reasonable prices in the open market. It is not generally known that just about the time of the war, in 1913 and again in 1917, commercial interests in Upper India themselves urged upon the Government the desirability of railways acquiring their own collieries because in their opinion the large demands of railways on the coal market led to extreme fluctuations in prices and made much of the best coal practically unobtainable for manufacturers up-country. Now, Sir, during the years immediately following the war the prices of coal went up very high. Railway stocks fell to dangerous depths and in 1920, when tenders were invited for coal, one of the biggest firms in Calcutta, which had been in intimate relation with the railways in the past, refused to tender coal at any reasonable price which the railways could even consider. They thought that Deshergur coal was worth Rs. 20 per ton. I recently saw a report of a meeting in 1920 of the shareholders of a coal company at which the Chairman said that he anticipated or prophesied that their coal would be worth Rs. 30 a ton. Then, again, even when railways contracted for coal at high prices, they had no guarantee that they would get the coal. They found that coal companies were slow to fulfil their contracts and preferred to sell their coal to customers, who paid higher prices. The Railways, therefore, merely as a measure of self-protection, were compelled to acquire their own collieries and this policy has been found to be completely successful. Not only have Railways been able to obtain from their own collieries coal at cheaper rates, but the existence of these collieries and the knowledge that if they were worked to their capacity Government could obtain all or practically all their requirements have had a most salutary effect on the prices at which the collieries tendered coal to Railways.

It is true that during the last few years market prices have fallen so considerably that, at the present moment, they are somewhat below the total cost at which Railways produce their own coal, including in the total cost all indirect charges, such as, interest, depreciation and supervision. This is mainly due to the restriction we have imposed on the amount of coal, because the fixed overhead charges have to be distributed over a small output. But in comparing prices we must not overlook the fact that

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even if we close down our collieries for the time being, there are certain items of expenditure which we have to face. For instance, we have to continue to pay interest on the capital invested. I do not wish to go into the question whether the capital was invested rightly or wrongly, but there it is. Four crores of rupees have been invested in them and whether we keep our collieries or close them and obtain not an ounce of coal, we shall still have to pay that interest. Secondly, we shall have to pay certain minimum royalties fixed under the leases, and it is quite possible that certain of our lessors may claim that by closing down our collieries we have deprived them of their legitimate expectations and may claim compensation. Thirdly, we shall have to incur considerable expenditure to keep our collieries in a fit condition to be opened and ready to work at short notice. A colliery, Sir, is not like a house which we can leave locked up and in charge of a chaukidar and come back after two years and find the house all right. This is not the case with a colliery. A colliery may be flooded; it may be burnt out; and it is essential that a considerable amount of expenditure should be incurred in order to maintain it in a fit condition to be opened at a short notice. Finally, a certain amount of unavoidable depreciation of machinery, etc., will continue.

For the purpose of comparison, therefore, and in order to ascertain whether it is financially sounder to close down our collieries or to keep them working at a certain minimum outturn, it is necessary that we should neglect interest, depreciation and the cost of keeping them fit and compare only the additional cost which we incur by keeping them open, rather than by closing them down entirely. If we compare the prices in this way, which is the only practical way, there is no doubt that the price at which we can produce coal in our railway collieries, taken as a whole, is less than the cost at which we can purchase similar coal in the market. Moreover, by reason of the fact that recently we have reduced the coal raising cost in all our collieries by calling for open tenders, the profit by keeping them open will be increased still further.

Now, Sir, I shall give the House a few figures. It has been calculated that the expenditure which will continue to be incurred if all our collieries were closed, but kept in good condition, will be in the neighbourhood of 41 lakhs a year, of which the interest is 20 lakhs, depreciation 7 lakhs, minimum royalty 2 lakhs and necessary repairs and maintenance 4 lakhs and keeping the works in good condition 8 lakhs. The maximum estimated difference between the total present cost of coal including charges for interest, depreciations, etc., and the price of similar coal from the market is 19 lakhs. My Honourable friend, Mr. Ghuznavi, has said that it is 22 lakhs. Even then it means by closing down all our collieries we shall lose about 20 lakhs.

We should also consider the effect of the policy of closing down the collieries on the large labour force at present employed in these collieries. Especially at Giridih, where they have settled down and have found employment for two generations, I think, speaking for myself, it would almost be a criminal breach of faith if we were to close down all our collieries and turn the labourers out to destitution.

Sir, our railway collieries are not competing with private collieries in the open market. They only provide for a part, and a very small part at present of their own needs. What are the grounds that justify the claim

made by private collieries that we should close down entirely the railway collieries. There are a good few private collieries in India the output from which compares not unfavourably with that from anyone of our railway collieries. But I have not observed that these giants of the industry have ever offered to shut down entirely, or even to restrict their output to the same extent as Railways have done, in order to help their weaker brethren. Now, why is it that only the railway collieries are always singled out for attack ? Is it because that these belong to a State undertaking and so political pressure can be brought to bear on Government with some hope of success ? Or is it that the coal trade feel that they have got an inherent and prescriptive right to squeeze the Railways, as they have done successfully in the past. Sir, I trust that this House which represents the tax-payers will not let the fact be forgotten that the loss ultimately falls on the public who are the principal shareholders in the State undertaking, a fact which is likely to be forgotten in the clamorous demand of a few interested parties.

My Honourable friend, Mr. Ghuznavi, is a very hospitable gentleman. I have reason to remember it with gratitude. Even recently, Sir, he took the enormous trouble of bringing Sir Guthrie Russell and myself some sweets from Burdwan at some considerable inconvenience to himself, and, owing to the efficiency of the octroi Department of the Simla Municipality, at some expense. But, before I walk into his parlour, I should like to peep into his larder in order to be able to see whether they are not littered with the corpses of my predecessors and I should like to make sure that I have a line of retreat safely open behind me.

Sir, while Government is convinced that at the present moment the closing down of collieries as a whole is definitely not in the public interest, I may add that the Railway Board are constantly watching the position and examining the results of individual collieries to see whether it would be more desirable in the public interest to restrict raising still further, or even to close them down temporarily. But it will have to be in the public interest. I think the House will approve of our action in holding that in these matters it is the public interest alone that should prevail. If the coal trade comes forward with a scheme by which they can gain advantages without inflicting losses on the tax-payers, then the Railway Board will always be ready to examine it with the greatest care.

Now, Sir, let me turn to the question of surcharge on rates. The Government fully recognise the importance of keeping the coal freights as low as possible, not only in the interest of industry in general and of the consumer as well as of the coal trade. They have given evidence of their sympathetic attitude in the fact that in 1926 and again in 1929, when they could afford it, they reduced coal freights very considerably. It was only owing to the serious financial position of railways that the Government, much to their regret, sanctioned the imposition of a surcharge in 1932. In this, let me point out that coal was not the only commodity that was subject to increased rates. Various other commodities had their freights raised at the same time. Let me also remind the House that even after the imposition of this surcharge, freight on coal for all distances over 300 miles is today lower than what it was before 1926.

It has been argued that the surcharge has had a serious effect on railway traffic, but the statistics in the possession of Government do not

[Mr. P. R. Rau.]

support this view. It is true that in the year immediately following the imposition of the surcharge, the coal traffic fell to a certain extent, but in 1933-34 the public coal carried increased by about six per cent. over the preceding year which corresponds generally with the increase in the general merchandise. In the first four months of the present year when the increase in coal traffic is about 11½ per cent. over the corresponding period of last year, while the increase in the traffic general merchandise is only 6½ per cent. These figures do not suggest that the surcharge has had any such deleterious effect on our coal traffic as has been assumed.

Now, Sir, I am not sure how to reconcile the two statements made by my Honourable friends, Mr. Ghuznavi and Mr. Morgan. My Honourable friend, Mr. Ghuznavi, apparently holds that the surcharge has been passed on to the consumer and has had the effect of raising the cost to the consumer. My Honourable friend, Mr. Morgan, apparently holds that the coal trade has paid the surcharge.

**Mr. A. H. Ghuznavi :** I said that the coal trade has not been able to pass on this surcharge as a whole.

**Mr. P. R. Rau :** Be that as it may, I thought I saw both Mr. Morgan and Mr. Ghuznavi shedding tears over the exploitation by the wicked David namely the consumer of the poor Goliath of the producer.

Sir, I have already said that the Government are fully mindful of the desirability of reduction in coal freights, if possible. They regret that in the present financial position of the Railways, it is impossible for them to sacrifice the revenue derived from surcharge. I cannot hold out hopes of any abolition, or considerable modification, of the surcharge in the immediate future—apart from any modification in the long distance rates that may be decided upon after the investigation which, I told the House the other day, was nearing completion. I can, however, assure Honourable Members that coal will be among the first of the commodities to be considered when railways are in a position to consider major reductions in freights.

Finally, as regards rates of freights on C. P. coal, I have very little to say, except that these low freights were originally quoted in order to stimulate traffic. They have to a certain extent succeeded in their object. The House is well aware that from the beginning of the current year these rates were increased to a certain extent though they are still below the Bengal coal rate. The Government naturally desire to watch the result of these reductions, before they consider further modifications. Moreover, a somewhat connected question is at present before the Railway Rates Advisory Committee and their considered opinion, in the case before them, may have some bearing on a decision of this question.

In conclusion, I would only say this. On the 21st February, 1933, when the Railway Budget was being discussed, my Honourable friend, Mr. Ghuznavi, in righteous indignation interrupted my Honourable friend, Mr. S. C. Sen, who was talking about the interests of colliery-owners, with these words : “ We are here to look after the railway interests and not the interests of the colliery-owners.” Sir, I commend these observations heartily to the House. (Applause.)

**Mr. S. C. Sen :** Sir, the Resolution moved by my Honourable friend, Mr. Ghuznavi, is rather a mixed one, and it is very difficult either to oppose or to support it on the grounds put forward by the Mover. Sir, he says that a Committee should be appointed to consider, first, the position of the railway collieries in respect of the plight of the colliery owners at the present moment ; and, secondly, the surcharge of 15 per cent. and other causes. What the other causes are, I do not know, but so far as the railway collieries are concerned and the rates which are now being paid by the railways for their purchase which rates are going down from year to year, I should ask Mr. Ghuznavi, who is responsible for that ? Is he responsible in his zeal to favour the railways and to look after the interests of the railways only and not to that of the colliery owners or the public ? Or is it the fault of the other persons concerned ? Sir, having regard to the change in the attitude of Mr. Ghuznavi from time to time, we do not know on whom to fix the responsibility for this rate cutting which is going on in the country. Sir, if I remember aright, as my friend, Mr. Rau, just pointed out, in 1931 or 1932, Mr. Ghuznavi raised the question as regards the coal purchases by the railways, the railways being the largest coal purchasers in India. He raised the question that no option should be given to the Chief Mining Engineer as regards the purchases. He must purchase at the lowest price possible.

**Mr. A. H. Ghuznavi :** I never said anything of the kind.

**Mr. S. C. Sen :** The proceedings will show that ; and, in the next year, in 1933, Mr. Ghuznavi claimed credit for having saved 57 lakhs of rupees to the railways.

**Mr. A. H. Ghuznavi :** Sir, on a point of personal explanation.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member will have a chance to reply.

**Mr. S. C. Sen :** Sir, what is the result ? People then came to know that unless they quoted the lowest prices possible, whether it keeps any profit in their hands or not, they could not get a contract from the railways. The result was that, in the year 1932, the rate for one particular class of coal, viz., Kajora coal, was Rs. 3-12-0. In the next year, in 1933, it came down to Rs. 2-10-0, and the next year again it came down to Rs. 2-2-0. That is the result of the interference by Mr. Ghuznavi. (Laughter.) Now, Sir, in 1933, Mr. Ghuznavi claimed the credit for having saved 57 lakhs of rupees. He did not say a word about railway collieries. Why ? Because,—I do not know,—he was probably interested in some contractors who are to get railway colliery contracts for raising coal. This year he has changed sides again, and, instead of siding with the railways, he is now fighting the railways for not raising the price of coal. Under these circumstances, I should like to know who is responsible for this plight of the coal trade ?

Now, Sir, it is no doubt perfectly correct that the position of the collieries is very precarious. The last price quoted by me as regards the Kajora coal is Rs. 2-2-0, and there is scarcely a pice left for profit. On the other hand, there is a loss. But this loss is not borne by the colliery owners at present ; it is borne by the colliery lessors, because they are not paid royalty. But ultimately they will have to be paid ; that is how they are surviving the crisis. Sir, it is absolutely certain

[Mr. S. C. Sen.]

that unless something is done to remedy this state of affairs, some of the collieries will have to go to the wall. As regards the restriction scheme formulated by the collieries associations, at first there was no unanimity. Subsequently I now find that there has been a unanimity. But no constructive programme has come forward after the restriction scheme, which was submitted at first by the Indian Mining Association and afterwards by all the three combines, has been rejected by Government. There is no new scheme put forward meeting the objections of Government, although they knew that Government, in their letter dated the 28th June, 1934, from Mr. Perry to the Secretaries to the Governments of Bengal, Bihar and Orissa, etc., a copy of which was submitted to the various bodies concerned, stated that they cannot possibly consider the scheme as submitted by the Associations. But in that letter of the Government of India, they stated this, in paragraph 10 :

“ Although there are many and obvious defects in the scheme of restriction which has been proposed by the Indian Mining Association, the Government of India are not convinced that it would not be possible to establish a method of control which would provide an early and adequate rise of prices and secure the continuance of a satisfactory and not excessive price standards.”

Having regard to this expression of opinion, I may ask Government to consider this part of the case, namely, that a new scheme of control is possible which would provide an adequate rise in prices carefully and quickly, because any delay in the matter would involve the closing down of many collieries in Bengal and will cause immense loss to the public. Sir, I am not much enamoured of Committees. We know in Bengal from time to time that, whenever you want to shelve a matter, the best thing you can do is to refer it to a Committee. That is my experience. In these circumstances, I cannot support Mr. Ghuznavi's proposition to the extent of having a Committee. But I ask Government to take up this matter earnestly and as quickly as possible and to find out a solution which they themselves think is possible in the circumstances. The Government must have some idea of a scheme of control when they made that statement in paragraph 10 of their letter.

Now, Sir, so far as the closing of railway collieries is concerned, I do not think it comes within practical politics. Those who know or are concerned with mines personally or practically will soon say what it costs to keep alive a colliery if you do not work it. If you stop a colliery, you will have to make arrangements for protecting it. Secondly, you will have to make arrangements for pumping it. Thirdly, you must have some sort of coolies and workmen near by on whom you can rely at the time when it is needed. Sir, as regards these railway collieries they are not small collieries. A large number of coolies have to be kept at the colliery who are to be paid, and for nothing. Is it within the realm of practical politics to keep ready 50 or 60 thousand coolies for nothing and pay them, simply because some day or other their services may be requisitioned ? So, Sir, I do not think that that proposition is practical. Moreover, what do we find ? We know that Government have been kind enough to reduce their output of collieries every year for the purpose of accommodating the trade. Sir, I have in my hand the figures which I will give you. In 1930-31, Government purchased 22,58,000, i.e., 54 per cent. of their requirements ; in 1931-32, they purchased 21,11,000, i.e., 53.77 per cent. of their requirements ; and

in 1932-33, they purchased 21,67,000, i.e., 65 per cent. of their requirements. Therefore, you see that every year the quantity purchased by the railways from the market increased. But what about the price? Having regard to the arguments put forward that if the railway coal did not come into the market or if the railways had to purchase the whole of their quantity very likely the market would rise, the experience is entirely different. I find that the price paid by State Railways for their coal decreased—

				Deshherghur. Selected Jharia.	First Class Jharia.	Kajora.
1930-31	..	..	..	5-12-0	5-0-0	4-8-0 3-14-0
1931-32	..	..	..	5-12-0	5-0-0	4-8-0 3-14-0
1932-33	..	..	..	4-12-0	4-12-0	4-3-0 3-10-0

I do not find the figures for the years 1933-34. But I know that this year the rate is down to 2-2-0 for the Kajora class. That shows that whether you close the railway collieries or you keep them going and take coal from them to the extent that the Government are now taking, that will not affect the coal market in any way. We shall have to go to some other theories and some other plans for relieving the coal trade. As has been pointed out by Mr. Ghuznavi, the potential capacity of collieries is very great. Then, who are the owners of these collieries? They are mostly in the hands of European colliery owners.....

**Mr. A. H. Ghuznavi :** No : they are managed by the European companies : the shareholders are all Indians.

**Mr. S. C. Sen :** I know all that ; they are managed by the Europeans ; but in taking contracts from the Government they are treated as European collieries ; in the quota given to the European collieries, they are taken into account—I do not think Mr. Ghuznavi even will demur to that proposition.....

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : When these companies do not get the orders that they expect, they immediately charge the Honourable the Commerce Member with racial discrimination.

**Mr. S. C. Sen :** If these colliery owners, who are mostly Europeans, will only raise the quantity which they are now raising and for which there is a market, and do not increase their output.....

**Mr. R. S. Sarma** (Nominated Non-Official) : For whom are the Europeans raising ?

**Mr. S. C. Sen :** Not raising : the potential capacity is very great ; that is what has been said by Mr. Ghuznavi. So, if they will only come to a pact among themselves and restrict their output to the output which they are now raising, very likely the market will have a change. But such a pact is out of the question having regard to the present atmosphere even amongst the European colliery owners, not to speak of the Indian colliery owners. Last year, we tried our very best to come to a pact, but we failed. Now, as regards the 15 per cent. surcharge, it is a question of 74 lakhs of rupees. I do not know whether it is in the hands of my friend, the Commerce Member, or Sir Frank Noyce, or it will have to be controlled by my friend who is sitting there concealed, the Finance



[Mr. S. C. Sen.]

Member. (Laughter.) We all feel that this 15 per cent. surcharge is the cause of most of the ills in the coal trade, but we have appealed to the Government times out of number : we appealed to the Members personally times out of number ; but their hard heart cannot be softened. They always insisted upon keeping the surcharge which, in fact, is one of the reasons for the present condition of the coal trade.

**Mr. K. C. Neogy** : Sir, coal debates in this House have unfortunately a tendency to degenerate into wordy duels across the floor. Sometimes we imagine as if we are in an auction room trying to fix the most favourable price for the railways. Sometimes again we feel as if we are at a meeting of the shareholders of a coal company where the shareholders take the directors to task for not having been able to declare a dividend. My remarks will be very brief on this occasion, and I should like to preface them by declaring that I have absolutely no kind of personal interest in the coal trade, but unfortunately I am the recipient of confidences from various contending elements in the coal trade, because I reckon among them very many valued friends ranged on different sides. On the present occasion, I am quite bewildered as to what attitude to take with reference to the question of the coal restriction scheme to which elaborate reference has been made by my Honourable friend, Mr. Ghuznavi—not that it is not easy for me to make a speech taking either view of the matter because in my right hand I hold a bundle of papers which set out the point of view of those who want a restriction scheme and in my left hand I hold another bundle of papers which set forth the opposite view, and they have come from very intimate friends of mine who are very insistent that I should expound their respective causes ; and from what I have heard so far, with the exception of my Honourable friend, Mr. Rau, and, to a certain extent, Mr. Sen, nothing has fallen from the Honourable Members who have spoken which cannot be found either *verbatim* or substantially in either of the two bundles of papers. (Laughter.) I know that my Honourable friend, Sir Frank Noyce, had a similar experience in Calcutta—I do not want to compare myself to him—he is a man in authority. ....

**The Honourable Sir Frank Noyce** : I should feel flattered by the comparison.

**Mr. K. C. Neogy** : But he also has been approached by the different contending elements in the coal trade, and I do not know whether he has been able to make up his mind as to which bundle of papers to support so far as the restriction scheme goes. I know that, in the Government letter on the subject, there is a definite expression of opinion to which exception is being taken by a very large body of people engaged in the coal trade, because that practically slams the door in the face of any future possibility of reviving the question. As I said before, I am absolutely bewildered so far as this particular issue is concerned as to which is the right course to take. But I may say that I am content to leave the matter, so far as the question of restriction goes, in the hands of my Honourable friend, Sir Frank Noyce, because if anybody in the Government Benches knows anything about coal, it is he, and he is yet gratefully remembered, as far as I know, by the coal trade for having presided over the Coal Committee that resulted in the formation of the Coal Grading Board which has succeeded in rehabilitating the

position of the coal trade, so far as the export market is concerned, to a certain extent.

Now, I should like to refer to my Honourable friend, Mr. Rau's speech in this connection. I agree with him to a certain extent when he says that when we approach this question from the point of view of the general tax-payer, we cannot ask the railway collieries altogether to be closed. I do recognise that the railway collieries constitute a measure of insurance against contingencies to which he referred and which happened not very many years ago. Therefore, from the point of view of the tax-payer, I do not think we can give that tall order that all the railway collieries should be closed down. But, I would appeal to my honourable friend, the Member in charge, as also to my Honourable friend, Mr. Rau, to see to it that the raisings are reduced to the minimum possible extent, so that this great national industry may not suffer.

Now, Sir, my friend was rather cautious in his reference to railway collieries. While he gave us the figures regarding the State-owned collieries, he took care to develop his argument only with reference to State-managed collieries; but what about the Company-managed collieries which are owned by the State? Now, Sir, I know that the Government position in this respect is that, whereas they are free to restrict, as much as they like, the output of State-owned collieries which are worked by the State, they are not at liberty to dictate to the companies working the State-owned collieries to restrict their raisings in any way. I remember, Sir, about two years ago a deputation representing the Indian Mining Federation waited upon my Honourable friend, Sir Joseph Bhole, and made a complaint that the general Government policy with regard to the restriction of the raisings of the railway collieries did not apply to the company-worked collieries which are owned by the State, and, as far as I remember, my friend on that occasion asked the trade to trust to their powers of persuasion with the companies for the purpose of getting more custom from the company lines. Now, Sir, I want to know, is that a satisfactory position? I daresay, my friend realises the parlous state in which this national industry is at present. I should also like to refer in this connection to the figures, which I need not quote at length at this late hour, and which will be found at page 41 of the latest Administration Report of Railways; and these figures show that whereas the raisings from State-owned State-worked collieries have gone down as a result of the Government policy, the raisings of the State-owned company-managed collieries have gone up, the result being that the Government policy is being considerably neutralised by the action taken by the company-managed lines. I should very seriously ask my friend to examine the position of Government with reference to the different companies which are working some of the State-owned collieries and see for himself as to whether it is not within his powers to insist upon the company lines to carry out the spirit of the Government policy.

Now, Sir, I do not think I should take up any more time of the House by referring to the other points which have been raised, but I very much regret, Sir, that neither my friend, Mr. Ghuznavi, who is in intimate touch with all the various sections of the trade, nor my friend, Mr. Morgan, who also, I understand, is in touch with a particular section at least of the trade, took this opportunity to repudiate a vile charge that has been levelled against my Honourable friend, the Leader

[Mr. K. C. Neogy.]

of the House, in the columns of the *Capital* of Calcutta with reference to the manner in which the purchases of coal from the open market for the Railways are made. ....

**Mr. A. H. Ghuznavi :** May I make a personal explanation, Sir ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : He can make a consolidated reply.

**Mr. K. C. Neogy :** It is a most scurrilous attack that I have seen in a responsible journal for many a day against a responsible Member of Government. We have our differences, undoubtedly I have mine, which are very deep and vital, with my friend, the Leader of the House, but I daresay that there is no one in this House, wherever he may sit, who would not raise his voice of protest against any slur on his integrity. (Applause from all sides of the House.)

Now, Sir, I was very pleased to hear my friend, Mr. Rau, when he gave the assurance that he would go into the question of the surcharge on railway freight. ....

**Mr. F. E. James :** May I ask one question ? With reference to the quotation from the *Capital* to which my Honourable friend referred, was that contained in an editorial note or did it appear as an anonymous letter ?

**Mr. K. C. Neogy :** It was an anonymous letter, which at the same time the editor took the responsibility of publishing at length very prominently. That much I can say.

Now, Sir, I was talking of surcharge. ....

**Mr. R. S. Sarma :** The *Capital* now own company-owned collieries ?

**Mr. K. C. Neogy :** I do not know it. My friend is in a better position to speak about it.

Now, Sir, when my friend, Mr. Rau, goes into that question, he will do well to give a proper interpretation to that formula—"what the traffic can bear", which determines the rate for any particular commodity. My friend referred to the fact that although this high surcharge has been put, the traffic has not suffered, but has the Honourable Member cared to inquire as to whether the prices have suffered to such an extent as to make it absolutely uneconomic, or almost absolutely uneconomic, for the producers to produce coal ? Now, Sir, that is where comes in our quarrel with the Railway Department. I maintain, and I have maintained more than once before, that the Railway Department is not interpreting that particular formula "what the traffic can bear" in the spirit in which it was intended to be interpreted by those who laid it down.

Now, Sir, I do not think I can add anything more so far as this Resolution goes. Although I may not agree with all that has fallen from my friend, Mr. Ghuznavi, I am in agreement with this Resolution, and even if the Government do not find it possible to give effect to the Resolution in the express terms in which it finds place on the Order Paper today, I do very much hope that my Honourable friend, Sir Frank Noyce, will associate a few persons with him for the purpose of

making as exhaustive an inquiry into the matter as possible. It may not be a formal Committee, but I have every hope that if my friend, Sir Frank Noyce, were to apply his mind,—and I have no doubt that he will apply his mind very closely,—to this problem, and if he associates with him a few people of varying views, then he is likely to get the very best help in understanding the problem and making his recommendations in due course to Government.

Now, Sir, as I was saying, though I do not agree with all that has been said in support of this Resolution by my friend, Mr. Ghuznavi, I am in agreement with this Resolution, and I may tell the House that the small section of colliery proprietors, who are vehemently opposed to the coal restriction scheme, also want that some kind of inquiry should be made. Here I have a paper in my hand which sets forth their view. This is what they say,—I mean the dissenting minority in the coal trade who do not want to have anything to do with the coal restriction scheme :

“ The first thing that the Government should do is to inquire into the real causes of the present plight of the trade and see if restriction would be the proper remedy for them.”

Not that they want restriction but they want the Government to find out other alternative remedies for this. And it is for all these reasons that I support this Resolution.

**The Honourable Sir Frank Noyce :** Sir, at the outset of my remarks, there is one matter to which I feel I should make some reference. In the course of the discussions this afternoon, references have been made to certain statements that I am alleged to have made in discussions I had with the representatives of the Indian Mining Association in Calcutta. Those references were made by my Honourable friend, Mr. Ghuznavi, and also by my Honourable friend, Mr. Morgan. As I have already explained, Sir, my meeting with the representatives of the Indian Mining Association was a purely informal one. The Association did not ask that reporters should be present and that a *verbatim* report of the proceedings should be taken down. Nor did they send to me at the end of the proceedings any report of what had happened for such correction as I might wish to make with a request that they might use it publicly if they so desired. Again, if they had done so, I would gladly have consented. But I do take the strongest objection to a version of what happened, which I have not seen and which I had no opportunity to correct, being sent to any Member of this House for use on the floor of the House. (Applause.) If that procedure becomes common, it will obviously be impossible for any Member on these Benches to have any informal conversations with any individuals or associations.

Now, Sir, I come explicitly to the Resolution before the House. I propose to take it at its face value. My Honourable friend, Mr. Ghuznavi, has utilised this opportunity for singing what one might almost call his sessional hymn of hate against the Railway Board and all its works, and if I were to deal with his speech, there would be very little, if anything, for me to add to what my Honourable friend, Mr. Rau, and my Honourable friend, Mr. Sen, have said. They have dealt faithfully with all the aspects of the case that he raised in his speech. But

[Sir Frank Noyce.]

I would remind the House that the motion before it recommends to the Governor General in Council :

“ that immediate steps be taken to appoint a Committee to enquire as to how far the present abnormal depression in the Indian Coal Industry is due to the working of the State-owned Railway Collieries and the present surcharge of Railway freight on coal and other causes.”

I would ask the House, after what they have heard from my Honourable friend, Mr. Rau, what useful purpose such a Committee would serve. I have no reason to disbelieve in Committees. My Honourable friend, Mr. Sen, has said with a certain amount of truth, that if you want to shelve a question, you refer it to a Committee. But my own experience of Coal Committees does not bear that out. I had the satisfaction of having all the recommendations of the Committee over which I presided accepted by Government within six months. I think that is a record of which that Committee had reason to be proud and which is also creditable to the Government of the day.

Now, Sir, Mr. Ghuznavi asked for a Committee to enquire how far the depression is due to the surcharge and to the working of the railway collieries. It is, I think, obvious from what Mr. Rau has said, that, even if the Committee were to find that the depression was found to be due to the surcharge and to the working of the railway collieries, that would not affect the Government's attitude in the least. I think Mr. Rau has established that the depression is certainly not due to the surcharge ; the amount of coal which is being moved at present is greater than what it was before the surcharge was imposed. And I think he has given very good reasons for holding that there would be no justification whatever in the interests of the country for closing down the railway collieries, even those which my Honourable friend, Mr. Ghuznavi, suggests are being worked uneconomically. We, therefore, come to the “ other causes ” and how far they can be removed. I think the Government of India have all the facts before them. They know exactly what the “ other causes ” are. They have been mentioned in the course of this debate and they are patent to all who have made a study of the subject. The other causes are, in the first instance, economic depression, and, in the second instance, the constant fear which hangs over the coal trade of over-production. It is not so much that there is any over-production at the present moment. I think the figures show that that is not the case, for the stocks of coal at the end of 1932 were 1,655,000 tons ; at the end of 1933, they were 1,114,000 tons, and today, as I understand, they are 660,000 tons. It is, therefore, obvious that production has recently been considerably less than consumption. But, none the less, there is always a constant fear of over-production, and that is the root cause of the depression in the coal industry. It is for that reason that there is no doubt that a great majority of the collieries are raising coal at a cost which is higher than that at which they can sell at.

I may state, and state very frankly, that Government fully sympathise with the coal industry in its difficulties. They realise, as they have stated in the letter they sent to Local Governments, the disadvantages of this state of affairs. They know that it means a considerable loss, a heavy loss and one that has continued for a long

time, to the industry itself, the investing public and also to Government revenue. They know that it weakens the industry and makes it unwilling to adopt improved methods of extraction. They know also that it brings about a tendency—I am afraid it is very much more than a tendency—to confine production to seams of the best quality, to extract coal in a wasteful fashion and thereby to diminish the value of one of the country's greatest assets. Further, they know what it means to the employees in the coal fields who have had their wages and their salaries reduced. But, none the less, Sir, after a very careful examination of the case, which they had to do from the point of view of the country as a whole, they came to the conclusion that there were very serious objections to any scheme of coal restriction. It has been a matter of very great disappointment to me in the course of this debate that I have not had the benefit of the views of any representatives of provinces other than Bengal and Bihar and Orissa. I should have very much liked to know what the consumers in other provinces have to say about the restriction scheme. It was from that point of view mainly that Government decided that there were very grave objections to it. They frankly do not like the idea of restricting an essential raw material of trade and industry, a basic raw material. (Hear, hear.) We have heard that the Bengal consumers are in favour of restriction. Well, Sir, I should like the views of consumers from other provinces, because one cannot overlook the fact that the Bengal consumers are also very closely connected with the producers, and, in some cases, at any rate, are producers themselves. (Hear, hear.) That is an important factor. Another very important factor which Government had to take into consideration in examining this question was, "What is going to happen when the period for which the coal restriction is proposed comes to an end"? What will the state of the industry be then? And I may say at once and frankly that, in my view, if restriction comes now, it is going to last; I cannot see its being taken off within any measurable distance of time. It seems to me that exactly the same conditions will be present, that the main conditions will be present in five, ten or fifteen years' time and that there will still be the same fear of over-production hanging over the industry. I think that the industry has got to realise that if—I say "if" and it is a big "if"—if Government reconsider their views, it has got to be prepared for an indefinite period of restriction. Whether it will like it or not I cannot say, but it will have to make up its mind as to whether it wants it or not. As was stated in paragraph 10 of our letter to Local Governments, to which reference has been so very frequently made this afternoon, the Government of India do not think that the objections to a scheme of coal restriction are insuperable. I may say that I spent a great deal of time on this scheme. I spent a certain amount of midnight oil and, as the question first came up in the cold weather in Delhi, a certain amount of midnight coal also in dealing with this subject. I feel that, although there are many and very great difficulties, on which I need not enlarge at this late hour of the day, one could formulate a scheme of restriction that would work but there is just one point to which I should like to refer in this connection. We have, in that paragraph 10, discussed the scheme of restriction put forward by the Indian Mining Association and we have pointed out the objections to it but, at the end of the paragraph, we have stated that the Government of India believe that a restriction

[Sir Frank Noyce.]

scheme in British India could be made sufficiently effective if necessary without the co-operation of the Indian States that produce coal. I should like to say that we do not feel quite so sure about that as we did. It appears from the representations that we have received that it is very desirable, if not essential, that the Indian States should come into any scheme of restriction as their potentialities are such that they might easily defeat the working of the scheme. I have been informed that there is one State which could produce two million tons against the comparatively small figure of possibly half a million tons that it produces at present. If that State were not to come into the scheme, it would obviously defeat the effect of a five per cent. or ten per cent. restriction on output in British India. That is a point which will have to be examined very carefully indeed. It is perfectly true, as Mr. Ghuznavi said, that I told the Mining Association that the chances of Government reconsidering this scheme were small. It is possible—I cannot recollect exactly what happened—but it is possible that, being in Calcutta and not very far from the headquarters of the Calcutta Turf Club, the representatives of the Indian Mining Association asked me to give them the odds against reconsideration? I have as I have said no very clear recollection on that point but I did tell them, and I told them nothing that I am not prepared to state here, that the chances of Government reconsidering their attitude were small. But as Mr. Morgan himself has said, although the door was slammed, it was not barred or bolted. We did feel that this was a most important matter and that it was only fair to the Local Governments concerned, the Government of Bengal, the Government of Bihar and Orissa and the Government of the Central Provinces, the most important coal producing Provinces, and also the Governments of the consuming Provinces that the scheme with our objections should be placed before them, but the fact that we placed the scheme before them showed that we were prepared to consider any points that they might raise. I may inform the House that we have received replies from the Government of Bengal and that of the Central Provinces and also a brief telegraphic reply from the Government of Bihar and Orissa. They have come in only in the course of the last three days and it will obviously take time to examine them, especially as we have not received replies from the consuming provinces. I may also mention to the House that the replies are very much what one might have expected. The Governments of Bihar and Orissa and Bengal are naturally more sympathetic to the scheme than are the Government of the Central Provinces, the colliery owners in which are very divided in opinion. I can promise the House that those replies will receive very careful consideration. The first point which has to be determined is whether the Government of India are prepared to accept the principle of restriction. That is obviously not a matter on which I can make any pronouncement now. The case has to be examined in my department and to go before the Government of India as a whole. If the Government of India are so impressed by the views of the Local Governments as to reconsider the whole case then we shall have to consider what shape restriction should take and then will be the time to accept the views of my Honourable friend, Mr. Neogy. One naturally could not go forward with any scheme of restriction without thrashing out the details with representatives of the interests concerned or rather

without placing our own conclusions on the details before them for such criticisms as they may wish to offer.

I trust that I have sufficiently explained what Government's attitude is in this matter. I do not know what their decision will be, but, whatever that decision is, I shall accept my Honourable friend, Mr. Neogy's offer of help with the utmost willingness and shall expect him to support me wholeheartedly here and elsewhere. I very much value the confidence that he has expressed in me, and I propose to avail myself of it to the utmost possible extent. All I have to say in conclusion is that I trust that I have shown to the House that the appointment of a committee would lead to no useful results and that if my Honourable friend, Mr. Ghuznavi, presses his motion, there is no option for us on these Benches but to oppose it.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Will Government give a chance to the representatives of the various Provinces to express their views before they accept any restriction scheme. Today, other Provinces have not had an opportunity to express their views.

**The Honourable Sir Frank Noyce** : We have to take Local Governments as representing the views of the Provinces, for the time being at any rate. If, as I say, any scheme of coal restriction is accepted by Government, it will obviously have to be embodied in legislation, which will require the sanction of this House and it will be then that the representatives of the Provinces will get an opportunity of objecting to it, if they see fit to do so.

**Mr. K. C. Neogy** : Might I suggest a *via media* ? After the opinions have been received from the Provinces, but before we disperse from Simla, will it be possible for my Honourable friend to have a kind of informal conference with such Members as may feel interested in the question and who may like to put forward their own ideas, either from the point of view of consumers or other interests ?

**The Honourable Sir Frank Noyce** : I shall be very happy to meet any Members who are interested in the question and to know their views. I shall be very glad to do so, if my Honourable friend so desires.

**Mr. K. C. Neogy** : That might meet Mr. Azhar Ali's point of view.

**The Honourable Sir Frank Noyce** : I shall be very glad to meet any representatives of the Provinces who wish to see me. I am always accessible.

**Mr. A. H. Ghuznavi** : Sir, at the very outset this afternoon, I want to start by referring to that stupid letter, that atrocious letter that appeared in the *Capital* of the 7th June. In my opening speech, I had the difficulty of the time-limit.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member will have 15 minutes.

**Mr. A. H. Ghuznavi** : Therefore, I intended to bring that matter out in the course of my reply. My attention was drawn to that letter when I was in Simla in June last. I did not read that letter when I was in Calcutta. I can assure my Honourable friends, Sir Joseph Bore and Mr. Rau, that they are held in great esteem in Bengal by Indians and



[Mr. A. H. Ghuznavi.]

Europeans alike. Sir, I addressed a letter to the Indian Mining Association drawing their attention to that letter of the 7th June which appeared in the *Capital* and I have got this reply from the Secretary of the Indian Mining Association :

“ In reply to your inquiry, I am directed by my Committee to say that the letter under the non-de-plume of ‘ Shareholder ’ appearing in the issue of *Capital* of the 7th June did not emanate from this office, was in no way inspired by the Indian Mining Association, and was one of the points of which my Committee were not in the slightest degree aware until they read it in the papers. I trust that this would be sufficient for you to refute any suggestion, which my Committee greatly deprecate, that they had anything whatever to do with the letter.”

Sir, regarding the purchase of coal, the new reform that was introduced by the Railways is entirely due to me, and I can assure the Railway Board that the method that they have adopted now for the purchase of their coal has the approval of all right thinking men. My Honourable friend, Mr. Rau, asked—how was it that only a couple of years ago I was fighting in this House to make the Railways buy at the lowest price and what has since happened that I want the price of coal to be raised ? Sir, I have always advocated and I still advocate it today—“ buy your coal at the lowest price if the coal is of the same grade and of the same quality ”. What I objected to then was that while the coal offered to the Railway Board was of the same grade, of the same quality and almost of the same seam, the offer of Mr. A. at Rs. 4-12-0 was accepted in preference to Mr. B.’s offer at Rs. 3-8-0. What business has the Railway Board to buy it at Rs. 4-12-0 and not at Rs. 3-8-0 ? It did not result in reducing the price of coal in Calcutta, it only resulted in a saving to the Railways in buying their coal. It has gone, of course, deep into the minds of sellers of coal in Calcutta that the Railway Board naturally took the coal if it is offered at the lowest price. I see no reason why the Railway Board should not take it provided the coal is of the same grade and of the same quality. Of course unconsciously that had hit my Honourable friend, Mr. Satish Chandra Sen, who used to tender for his coal, and was desirous of getting it accepted at higher prices in the interest, no doubt, of consumers and the Government. He was not successful as the Railway Board were now very carefully considering matters : it is no longer in the hands of Mr. Whitworth or anybody else ; it is in the hands of the Railway Board now to examine these tenders : and if there is anyone tendering the same coal at a lower price, I am afraid Mr. Sen would not have the orders he has been after, and, therefore, he has been to my knowledge rightly deprived of the Railway Board orders since the last two years.

Sir, the object of this Resolution has, to a certain extent, been achieved. Now, the first object for which I wanted this Committee is to inquire about the surcharge. My Honourable friend, Mr. Rau, has given us this assurance that they have collected the figures and are going into the matter and they will seriously consider the surcharge for long distance places and they will come to a speedy conclusion.

Then, Sir, he has also said—in a manner he has assured the House—that so far as the State Railway collieries are concerned—he was very cautious, he did not make any statement whatever about the Company-managed railways—he said that so far as the State Railway collieries are concerned, the output has been restricted and he will see further if those uneconomic collieries can be closed. That also was another object which

this Resolution had in view and which my Honourable friend, Mr. Rau, has said that he is going to look into.

Now, the third point was "the other causes". There are several. What I intend to do is to send to the Honourable the Commerce Member and the Honourable the Industries Member a statement of what the others are, and I ask whether they will take it upon themselves to make an investigation and see how far they can remedy those other difficulties experienced. Sir, with these words—I have one word more to say. (Laughter.) Sir, what I said was that if the letter which the trade wrote on the 18th of July, 1933, submitting a proposal to the Railway Board to close down temporarily, not permanently, for one year, the uneconomic railway collieries and place them on a care and maintenance basis without causing the slightest loss to the railways—because certainly we would not allow, in the interests of the trade, the railways to suffer loss—and, at the same time, showing that by so doing, you save at least six lakhs of rupees if not 22 lakhs—after paying for everything—interest on capital, establishment, etc., it was a matter worthy of consideration : If the trade can prove that by closing down temporarily, even for a year, such uneconomic collieries, you do not lose, your interest, establishment charges, etc., are paid, and still you make a profit, what is the harm in looking into that proposition ?

**Mr. P. R. Rau :** Sir, Government have looked into that proposition, and they found that it was quite impracticable. (Laughter.)

**Mr. A. H. Ghuznavi :** Well, if my Honourable friend will look into fresh proposals, if these are submitted, I shall be glad.

(Mr. P. R. Rau nods assent.)

**Mr. A. H. Ghuznavi :** You will ?

**Mr. P. R. Rau :** Yes.

**Mr. A. H. Ghuznavi :** With that assurance, Sir, and the other assurances already given, I ask the leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

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#### STATEMENT OF BUSINESS.

**The Honourable Sir Joseph Bhoré** (Leader of the House) : Sir, next week, the House will be asked to proceed with the consideration and passing of the Assam Criminal Law Amendment (Supplementary) Bill, and, thereafter, to consider and pass the Hedjaz Pilgrims (Muallims) Bill and the Indian Army (Amendment) Bill, as reported by Select Committee. It is possible that a Rubber Control Bill will also be introduced during the course of the week.

The Assembly then adjourned till Eleven of the Clock on Monday, the 13th August, 1934.



## LEGISLATIVE ASSEMBLY.

*Monday, 13th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### MEMBER SWORN :

Lieut.-Colonel Arthur Friedrich Rawson Lumby, C.I.E., O.B.E.,  
M.L.A. (Army Secretary).

### QUESTIONS AND ANSWERS.

#### INSPECTION BY AN INCOME-TAX PAYER OF HIS ASSESSMENT RECORD.

515. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government please state whether there is any provision in Income-tax Law or Rules providing for inspection by a tax-payer of his assessment record ?

(b) Do Government propose to take immediate steps to provide to the assessee the right of inspecting their records according to their requirements, just like the records of all revenue and civil cases ?

**The Honourable Sir James Grigg :** (a) and (b). I would refer the Honourable Member to the answer given in reply to Mr. Sitakanta Mahapatra's question No. 317 on the 31st July, 1934.

#### RE-EMPLOYMENT OF RETRENCHED PERSONNEL.

516. **\*Khan Bahadur Haji Wajihuddin :** Will Government please state whether they are under any statutory obligations to provide the retrenched personnel with employment ? If so, what are the orders on the subject ?

**The Honourable Sir James Grigg :** Government are under no statutory obligation in the matter.

**Maulvi Muhammad Shafee Daoodi :** Is there no moral obligation ?

**The Honourable Sir James Grigg :** I had better have notice of that.

**Dr. Ziauddin Ahmad :** Is it not a fact that Government promised on the floor of the House that retrenched persons would be re-employed ?

**The Honourable Sir James Grigg :** I should require notice of that.

#### SUPERANNUATED OFFICERS UNDER THE RAILWAY ADMINISTRATIONS.

517. **\*Mr. K. P. Thampan :** (a) Will Government be pleased to lay on the table a statement showing the number of superannuated officers in permanent and temporary employ under the various Railway Administrations ?

(b) Do Government propose to take early steps to stop the continued employment of superannuated officers ? If not, why not ?

**Mr. P. R. Rau :** (a) So far as the State-managed Railways are concerned, there is only one officer employed on the Great Indian Peninsula Railway who has been allowed an extension beyond 55 for one year as a special case in the interests of the administration.

(b) State Railway officers, subject to the Fundamental Rules, are required to retire compulsorily at 55.

**Mr. K. P. Thampan :** Has the Honourable Member got the information about the Company-managed Railways ?

**Mr. P. R. Rau :** No, Sir.

**Mr. K. P. Thampan :** Will he kindly get it ?

**Mr. P. R. Rau :** The Government have no control over the staff of the Company-managed Railways.

#### FREIGHT AGREEMENT BETWEEN THE TATA IRON AND STEEL COMPANY, LIMITED, AND THE BENGAL NAGPUR RAILWAY.

518. **Mr. K. P. Thampan :** (a) Will Government be pleased to place on the table a copy of the terms of the new freight agreement between the Tata Iron and Steel Company, Limited, and the Bengal Nagpur Railway ?

(b) In what respect do they differ from the terms contained in the expired contract ?

(c) Did the Tata Iron and Steel Company, Limited, make any representations to Government, protesting against the enhanced rates ? If so, what action did Government take on those representations ?

**Mr. P. R. Rau :** (a) A formal agreement has not yet been entered into.

(b) I place a statement on the table giving the main features of the old and the new agreements.

(c) Yes. The question was primarily for negotiation between the Tata Iron and Steel Company and the Bengal Nagpur Railway, but Government took some part in these negotiations at different stages. The final result will be embodied in the fresh agreement which is to be entered into with the Company, the main terms of which are given in the statement I have just laid on the table.

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#### Statement.

Under the old agreement, raw materials for the manufacture of iron and steel and finished products and bye-products of cooking ovens from Tatanagar to Calcutta intended for shipment were charged at a rate of one-fifteenth pie per maund per mile, and other articles at the minimum rates applicable, i.e., one-tenth pie per maund per mile for articles, shown in the Railways Classification in 1905, as special class, and one-sixth pie per maund per mile for articles, shown in the Classification, as 1st to 5th classes. These rates were subject to various conditions, the more important of which was that the minimum ton mileage on which freight had to be paid in any calendar year was 30 millions.

Under the revised arrangement the bases of the rates charged generally are as follows :

(i) for coal, the same rates as are applicable for public coal ;	Pie per maund per mile.
(ii) for iron ore, limestone and pig iron for export ..	0.12
(iii) for manganese ore .. .. .	0.10
(iv) for manufactured products of the Coy., a telescopic scale as follows :	
for the first 299 miles .. .. .	0.166
for additional distances from 300—499 miles ..	0.12
for additional distances beyond 499 miles ..	0.10

On these rates a rebate of 25 per cent. is given subject to certain conditions, the more important of which is that the minimum ton mileage on which freight has to be paid in any calendar year is 300 millions.

**Mr. K. P. Thampan :** Arising out of the answer to part (c), may I know whether the Government are satisfied that the Bengal Nagpur Railway was justified in increasing their rate of freight ?

**Mr. P. R. Rau :** I think I have already told the House that the agreement was finally entered into with the approval of the Government.

**Mr. B. Das :** Is it a fact the Tatas will be paying nearly 40 lakhs more to the Bengal Nagpur Railway and East Indian Railway by this new arrangement ?

**Mr. P. R. Rau :** The figure of 40 lakhs is not correct. I think it has been variously estimated at about 22 to 27 lakhs.

**Dr. Ziauddin Ahmad :** Is the question of the fixation of rates left to private arrangements between the Tatas and the railway company or is it done by the Railway Board ? Where do the Government of India come in ?

**Mr. P. R. Rau :** The Government of India have laid down maximum and minimum fares.

**Dr. Ziauddin Ahmad :** What are the limits of the maximum and minimum ? How many times is the maximum greater than the minimum ?

**Mr. P. R. Rau :** I am afraid I must ask for notice of that question.

**Mr. K. P. Thampan :** What was the reason advanced by the railway company for enhancing the rate ?

**Mr. P. R. Rau :** The reason was that under the old rates the traffic was not carried at remunerative rates.

**Dr. Ziauddin Ahmad :** Is it not a fact that the maximum and the minimum are so wide apart that, as Mr. Mudaliar said once, even an elephant can pass through ?

**Mr. P. R. Rau :** It all depends upon the size of the elephant.  
(Laughter.)

**Maulvi Muhammad Shafee Daoodi :** Do the Government realise that this arrangement of freights between the Tatas and the railways has deprived the people of Bihar and Orissa from carrying on business in pig iron in their own land, because they do not get the advantage of the railway freight for themselves ?

**Mr. P. R. Rau :** I am sorry I did not follow the question.

**Maulvi Muhammad Shafee Daoodi :** The point is this, that the people of Bihar and Orissa, where the Tata Company is situated, are not getting advantage of the raw materials produced by the Tatas because of the railway concessions given to the Tatas for long distance places ?

**Mr. P. R. Rau :** Am I correct in understanding my Honourable friend as protesting against the low freights given to the Tatas ?

**Maulvi Muhammad Shafee Daoodi :** The freight disadvantage concession given to Tatas is detrimental to the people of Bihar and Orissa.

**Mr. P. R. Rau :** Then my Honourable friend will be satisfied now as the rates have been increased ?

**Maulvi Muhammad Shafee Daoodi :** I would like to put it this way, that though the raw materials are produced in Bihar and Orissa, yet the people there are deprived of the advantages of the Tatas being in their midst, because the freights for short distances are much more than for long distances.

**Mr. Gaya Prasad Singh :** May I know whether the question of freights does not come within the purview of the Railway Rates Advisory Committee, and was this question referred to that Committee for opinion ?

**Mr. P. R. Rau :** The Railway Rates Advisory Committee takes cognizance only of questions that are referred to it, and the ordinary procedure is that any person who feels aggrieved at any rates refers the matter to the Railway Board for reference to the Railway Rates Advisory Committee.

**Mr. Gaya Prasad Singh :** Do I understand that it is open to private individuals to refer any particular question to the Railway Rates Advisory Committee ?

**Mr. P. R. Rau :** Through the Railway Board, yes.

**Dr. Ziauddin Ahmad :** Does the Railway Board, on its own initiative, refer any matter to this Committee ?

**Mr. P. R. Rau :** I do not think they have done it so far.

**Dr. Ziauddin Ahmad :** Is it within their purview to do it ?

**Mr. P. R. Rau :** It has not yet been considered.

**Dr. Ziauddin Ahmad :** Will the Government refer the case of this arbitration between the Tatas and the railway authorities to the Railway Rates Advisory Committee ?

**Mr. P. R. Rau :** Government do not consider there is any necessity for it.

**Mr. Gaya Prasad Singh :** What is the use of such a costly paraphernalia as Railway Rates Advisory Committee if important questions are not referred to them ?

**Mr. P. R. Rau :** This question has been settled in agreement between the Tata Iron and Steel Company and the railway company with the approval of the Government, and the Government do not consider there is any necessity to refer the matter to the Railway Rates Advisory Committee.

**Dr. Ziauddin Ahmad :** In view of the fact that the tax-payers are also interested in this arrangement, is it not desirable that the arrangement entered into between the Tatas and the railway companies should be referred to the Railway Rates Advisory Committee to see whether the arrangement is a reasonable one ?

**Mr. P. R. Rau :** The Railway Board are satisfied that the arrangement is a reasonable one.

**Dr. Ziauddin Ahmad :** The Railway Board have not yet examined the agreement between the railway companies and the Tatas, and how can they say they are satisfied ?

**Mr. P. R. Rau :** Unless the Government of India had been satisfied, they would not have approved of the agreement.

#### SUITS FILED BY THE EMPLOYEES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY AGAINST THE ADMINISTRATION.

519. **\*Mr. K. P. Thampan :** (a) Will Government be pleased to state how many suits, filed by employees of the Madras and Southern Mahratta Railway against the Administration, are now pending in the Madras High Court and the City Civil Court ?

(b) What is the total expenditure, including lawyers' fees, incurred on account of these suits up to now ?

(c) What is the total expenditure incurred in the suit filed by Mr. Campbell against the Madras and Southern Mahratta Railway ?

(d) What is the amount of the costs and damages paid to the plaintiff in Mr. Campbell's case ?

(e) Was the opinion of Messrs. King and Partridge, solicitors, taken before the suit of Mr. Campbell was contested ?

**Mr. P. R. Rau :** (a) The Agent, Madras and Southern Mahratta Railway, has reported that seven suits, of which five are *in forma pauperis*, have been filed by ex-employees and are pending in High Court. Two of these have been filed by the same plaintiff who has also filed a suit in the Civil Court. No other suits are pending in the Civil Court.

(b) Government are informed that no accounts have yet been received by the Administration.

(c) Rs. 12,462-4-0.

(d) Costs amounted to Rs. 5,483-12-0. This has been included in the figure given in reply to (c) of this question.

Damages decreed for amount to Rs. 7,857 but have not yet been paid.

(e) The reply is in the affirmative.



PROTECTION OF COCOANUTS AGAINST CEYLON COMPETITION.

520. **\*Mr. K. P. Thampan :** (a) Will Government be pleased to state whether they have received from the cocoanut growers' association of Cochin a memorial for protection against Ceylon competition ?

(b) If the reply to part (a) be in the affirmative, what action have Government taken on that memorial ?

**The Honourable Sir Joseph Bhoré :** (a) Yes, Sir.

(b) The matter is receiving the consideration of Government.

**Mr. K. P. Thampan :** Is it a fact that Ceylon has not yet ratified the Ottawa Agreement and that, therefore, there is no necessity to extend those privileges to that country ?

**The Honourable Sir Joseph Bhoré :** Oh, yes : Ceylon is honouring the Ottawa Pact in respect of a large number of items.

**Mr. K. P. Thampan :** Has she fully ratified the Ottawa Agreement ?

**The Honourable Sir Joseph Bhoré :** Not entirely, Sir.

**Mr. K. P. Thampan :** Then, is it obligatory on us to give effect to the agreement in its entirety ?

**The Honourable Sir Joseph Bhoré :** I think so, Sir, because if we take action without information to do away with this preference, Ceylon might very well refuse to give effect to those preferences which she is already giving effect to.

**Mr. K. P. Thampan :** Is the Honourable Member aware that on account of the reduction of the tariff value of cocoanuts and cocoanut products, the cocoanut growers are subject to additional hardship ?

**The Honourable Sir Joseph Bhoré :** I must have notice of that question.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is it a fact that Ceylon has imposed new duties on vegetables, on ghee and on eggs imported into that country from India, and that these duties have actually come into force from the 27th of last month ?

**The Honourable Sir Joseph Bhoré :** That is so, and we have already made representations to the Ceylon Government.

**Mr. B. Sitaramaraju :** What was the reason for Ceylon not accepting the other parts of the Agreement ?

**The Honourable Sir Joseph Bhoré :** I think the main reason was that the acceptance of all the items would mean an increase of cost to the consumer which Ceylon was not prepared to face in all the circumstances.

**Mr. B. Sitaramaraju :** Were they not aware at that time that the consumers would be affected ? What new circumstances have since arisen ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend seems to have overlooked the fact that when the original Agreement was come to, the Ceylon Legislature had not had an opportunity of expressing its opinion in the matter.

**Diwan Bahadur A. Ramaswami Mudaliar :** With reference to the statement of my Honourable friend that representations have been made, may I know whether these representations were made when the duties were proposed or after they have actually come into existence ?

**The Honourable Sir Joseph Bhoré :** We had no information as regards the proposal to impose these duties. We only became aware of them after they had been passed by the Ceylon Legislature.

**REPORT OF THE SPECIAL OFFICER DEPUTED TO INVESTIGATE THE CONDITION OF THE COCOANUT INDUSTRY.**

**521. \*Mr. K. P. Thampan :** Will Government be pleased to state when they propose to release the Report of the Special Officer, Dr. Patel, who was deputed to investigate the condition of the cocoanut industry in India ?

**Mr. G. S. Bajpai :** Subject to the approval of the Advisory Board of the Imperial Council of Agricultural Research, the report will be published soon after its meeting on the 3rd September.

**Mr. B. Das :** Why not make a copy of that report available to the Commerce Member ?

**Mr. G. S. Bajpai :** The report at the present moment is only in proof form, but, as soon as it is finally printed up, we shall send copies to the Commerce Department.

**Mr. B. Das :** Why not make the tentative proposals available to the Commerce Department, so that they may start taking action ?

**Mr. G. S. Bajpai :** For the simple reason that the Commerce Department would expect to have the views of the Advisory Board of the Imperial Council of Agricultural Research before them before they can form any views of their own.

**Mr. K. P. Thampan :** May I know when Dr. Patel submitted his report ?

**Mr. G. S. Bajpai :** The report was submitted in March, 1934.

**Mr. K. P. Thampan :** Then, why was there such inordinate delay in considering this matter ?

**Mr. G. S. Bajpai :** I do not think there has been an inordinate delay. I have the dates before me here. The report was submitted in March, then it was checked by the Imperial Council of Agricultural Research and sent to the press in April. The first proof was received in May, the second in June, and the third in July.

**Dr. Ziauddin Ahmad :** May I ask, how many more proofs are to follow ?

**Mr. G. S. Bajpai :** I think the third is the last.

**Mr. K. P. Thampan :** May I know whether Government will give us an opportunity to discuss this report before this Assembly is dispersed ?

**Mr. G. S. Bajpai :** I was under the impression, Sir, that Honourable Members are anxious to go away before the end of this month, and the Advisory Board does not meet till September.

**APPOINTMENT OF INDIANS AS MEMBERS OF THE RAILWAY BOARD.**

**522. \*Mr. A. H. Ghuznavi :** (a) Are Government aware of the feelings of resentment expressed by this House off and on against them for not appointing Indians as Members of the Railway Board ?

(b) Are Government aware that one of the main arguments adduced by them in this House on various occasions against the appointment of Indians to the posts of Members of the Railway Board was that no senior Indian officer holding sufficiently higher rank amongst the officers of the Railways, was available in the past for being promoted to the post of a Member of the Railway Board ?

(c) Is it a fact that in pursuance of such persistent demand from this House and the public outside, assurances were given from time to time in the past by Government that Indians would be appointed as Members of the Railway Board as soon as suitable Indian officers, holding higher appointments in the different Railways, would be available ?

(d) Is it a fact that to meet the wishes of this House, Government appointed an Indian, Mr. P. R. Rau, as Financial Commissioner of Railways ?

(e) Is it a fact that to meet the wishes of this House, Mr. Hayman was appointed by Government as Labour Member of the Railway Board ?

(f) Is it a fact that Government at the time of appointing Mr. Hayman declared him to be an Indian ?

(g) Is it a fact that the appointments of Indian Financial Commissioner and Indian Labour Member of the Railway Board were made in the past as part of the general programme of Indianisation of the higher Railway services like all other services ?

(h) Is it a fact that there was a vacancy recently on the Railway Board, *vice* Mr. Colvins, retired ? Is it a fact that a European has been appointed in that vacancy instead of an Indian, and that the result is that not a single member of the Railway Board at present is an Indian ?

(i) Will Government be pleased to state the reasons for retracing their steps from the declared policy of Indianisation of the Memberships of the Board ?

(j) Are Government aware of their assurances to this House, given at the time when Mr. Hayman was appointed, that one of the appointments on the Railway Board was being reserved for Indians ?

(k) Is it a fact that when Mr. Hayman retired before his term, Mr. Colvin was brought to fill up the temporary vacancy thus caused ? If so, why have Government not appointed an Indian in the vacancy caused by the retirement of Mr. Colvin ?

**The Honourable Sir Joseph Bhoré :** (a), (b) and (c). As I explained recently, in reply to a similar question by Mr. Bhupat Sing, Government are aware that opinions have been expressed during the discussion of the Railway Budget on various occasions, in favour of the appointment of Indians as Members of the Railway Board, but Government have more than once explained that these appointments must be filled by selection of the most suitable candidates irrespective of nationality.

(d), (e) and (g). These appointments were made by Government, as all other similar appointments, on considerations of suitability and after taking into account all relevant factors.

(f) Mr. Hayman was a statutory Indian. He was not declared as such by Government at the time of appointment.

(h) Mr. Colvin will retire in November and will be replaced by Mr. Tylden Pattenson. The result will not be that not a single Member of the Railway Board will be an Indian. The present Financial Commissioner is an Indian:

(i) The present appointment involves no departure whatsoever from the consistent policy of Government.

(j) I have not been able to discover that any assurance of this sort was given at the time the appointment was made. On the other hand, Sir George Rainy definitely stated at the time as follows :

"I fully understand the view expressed, not only by my Honourable friend, Mr. Jayakar, but by other Members, and the ardent desire which the Honourable Members opposite have to see their own countrymen appointed to the existing Membership of the Railway Board. I respect that desire, but at the same time I want to see them appointed on their merits."

(k) It is a fact that Mr. Colvin was appointed to succeed Mr. Hayman, but the vacancy was not temporary in any sense.

**Maulvi Sayyid Murtuza Saheb Bahadur :** May I know if the Financial Commissioner is one of the Members of the Railway Board ?

**The Honourable Sir Joseph Bhoré :** Most certainly, Sir.

**Maulvi Sayyid Murtuza Saheb Bahadur :** Has he got the right of voting in matters connected with the Railway Board ?

**The Honourable Sir Joseph Bhoré :** Votes are not taken, but he has as much right to express his views as other Members of the Railway Board.

**Mr. S. C. Mitra :** Will the Honourable Member tell this House what advance has been made since the declaration made by Sir George Rainy on the 23rd February, 1929, as regards further Indianisation of the Railway Board. Sir George expressed his desire that in future the question of further Indianisation would not be lost sight of.

**The Honourable Sir Joseph Bhoré :** It may be helpful, Sir, if I once for all explain our position in this matter. We cannot possibly make appointments to selection posts on grounds of race or community. If we once did so, we should entirely destroy the morale and the efficiency of the services. But other things being equal, we may be fully justified in taking racial and communal considerations into account. I hope, Sir, that that statement of the case will explain the position of Government quite clearly.

**Mr. Gaya Prasad Singh :** May I know if racial and communal considerations will weigh with Government in making appointments to other Departments of the public service ?

**The Honourable Sir Joseph Bhoré :** I am not in a position to speak about other Departments ; I am only speaking of my own Department.

**Mr. Gaya Prasad Singh :** So far as the Railway Department is concerned, may I take it that it is the definite policy of Government to appoint persons on merit only without reference to any racial or communal considerations or preferences ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend has not done me the honour of listening to my reply. My reply had reference to selection posts, and I said that so far as appointments to selection posts were concerned, they were made on the basis of merit.

**Mr. B. Das :** Have Government given facilities to Indian officials to occupy posts of Agents and Deputy Agents of Railways, so that they can come into selection posts in the Railway Board ?

**The Honourable Sir Joseph Bhoré :** I do not know what my Honourable friend means by facilities. They have a right to be appointed if they are fit and suitable for the posts.

**Mr. B. Das :** Do I take it that no Indian is fit to be made an Agent or Deputy Agent of Railways ?

**The Honourable Sir Joseph Bhoré :** I cannot justify the making of any such deductions.

**Mr. K. C. Neogy :** Is the Honourable Member in a position to give us an idea as to the number of Indian officers who have been superseded in point of seniority by the latest selection ?

**The Honourable Sir Joseph Bhoré :** I shall have to ask for notice of that question, but I think the next question deals with that to some extent.

**Mr. S. G. Jog :** Is there any probability in the near future of any Indian being taken in the Railway Board ?

**The Honourable Sir Joseph Bhoré :** I am afraid I cannot possibly give my Honourable friend a reply to that.

**Dr. Ziauddin Ahmad :** Is it the intention of Government to increase the number of Members of the Railway Board on which, besides the Chief Commissioner and the Financial Commissioner, there is only one ?

**The Honourable Sir Joseph Bhoré :** That I am not in a position to say.

**Mr. M. Maswood Ahmad :** Is it a fact that the Members of the Railway Board are taken from amongst the Agents and Deputy Agents ?

**The Honourable Sir Joseph Bhoré :** My Honourable friend must refer to the answer which I have already given to Mr. Bhuput Singh's question the other day on that point.

#### APPOINTMENT OF INDIANS AS MEMBERS OF THE RAILWAY BOARD.

523. **\*Mr. A. H. Ghuznavi :** (a) Will Government be pleased to state the number of Indians holding posts of heads of Railways or as heads of different branches of the Railway administration ?

(b) Are Government aware that the appointment of Europeans, superseding senior Indian officers, holding very high posts in the different Railways, is being construed by such officers as their condemnation ?

(c) Will Government be pleased to state whether they have condemned such senior Indian officers? If not, what are the reasons for such condemnation of Indian officers?

(f) If they have not been condemned, will Government be pleased to state the reasons why their claims for appointment as Members of the Railway Board have been overlooked by Government?

**The Honourable Sir Joseph Bhore :** (a) The number of Indians, holding posts of Heads of Railways or as Heads of different branches of Railway administrations on the State-managed Railways, is five, namely, one Agent, two Chief Accounts Officers and two Chief Medical Officers.

(b), (c) and (d). These questions cannot possibly be answered without reference to individual officers and Government consider it highly inexpedient to discuss the merits and qualifications of individual officers on the floor of the House.

#### REDUCTION OF THIRD CLASS FARES ON THE EASTERN BENGAL RAILWAY.

524. **\*Mr. A. H. Ghuznavi :** (a) Is it a fact that in 1931, the third class Railway fare on the Eastern Bengal Railway, was increased by one pie for distance between 151—300 miles, and by half a pie on 301 miles and over?

(b) Is it a fact that this increase in the third class fare was introduced owing to the unprecedented fall in Railway earnings?

(c) Is it a fact that the Eastern Bengal Railway earnings have increased by about nine per cent. between the 1st April, and the 16th June, 1934, as compared with the earnings of the same period last year?

(d) Is it a fact that the third class Railway fare has already been reduced on the North Western Railway?

(e) Are Government aware that the third class passengers on the Eastern-Bengal Railway are generally the poorer classes of East Bengal?

(f) Do Government propose to reduce the increased rates of third class fares introduced in 1931? If so, when? If not, why not?

**Mr. P. R. Rau :** (a) and (b). Yes.

(c) No. The increase in the gross earnings has been a little less than one per cent. My Honourable friend has apparently moved the decimal point one place to the right.

(d) Yes, as an experimental measure, for a period of twelve months, in an attempt to ascertain whether a reduction of fares will stimulate traffic to such an extent as to result in increased net earnings.

(e) I agree with my Honourable friend, but this is not a phenomenon peculiar to the Eastern Bengal Railway.

(f) Government propose to await the results of the experiment on the North Western Railway, before considering whether a general reduction of third class fares is feasible. But I may inform my Honourable friend that it is proposed to start, as an experimental measure, the issue of third class return tickets at 1-2/3 fares on the Eastern Bengal Railway, in a similar attempt to see how far passenger traffic responds to this stimulus.

**Mr. Bhuput Sing :** Do Government propose to introduce the same facilities for third class passengers on the East Indian Railway ?

**Mr. P. R. Rau :** No. We are introducing it as an experimental measure on the Eastern Bengal Railway.

**Mr. M. Maswood Ahmad :** Are Government prepared to introduce this as an experimental measure on the East Indian Railway also ?

**Mr. P. R. Rau :** No. Government prefer to await the results on the Eastern Bengal Railway before extending it to other railways.

#### ACQUISITION OF LANDS FOR THE RAILWAYS.

525. **\*Mr. A. H. Ghuznavi :** (a) Will Government be pleased to state the conditions on which they acquired lands from private owners and handed over the same to the Railways in India as they were opened ?

(b) Is it a fact that there is always a condition imposed by Government on the Railway authorities to the effect that all surplus lands not required by the Railways would be returned to the owners from whom they were taken ?

(c) Is it a fact that there was a stipulation to the effect that the terms on which the lands are to be restored to private owners by the Railways should be acceptable to both the Railways and the private owners ?

(d) Is it a fact that lands acquired by Government on both sides of certain sections of the Assam-Bengal Railway have been restored to the cultivators and agriculturists ?

(e) Are Government aware that the vast stretches of fertile land, on both sides of the Railway lines in Bengal, have been acquired by Government for Railways, and that they have been lying as waste lands inside the Railway fencings ?

(f) Will Government be pleased to state the reasons for wasting so much of fertile and arable land in Bengal ? Are Government aware that there is very great demand for such land for cultivation and other productive purposes ?

(g) Do Government propose to sell off these waste lands to private persons or corporate bodies for agricultural and dwelling house purposes ? If not, why not ?

**Mr. P. R. Rau :** (a) Land for railway purposes is acquired under the provisions of the Land Acquisition Act, 1894, and in accordance with the " Revised rules relating to the Acquisition of Land for Railway Purposes, 1918 ", copies of which are available in the Library of the House.

The conditions, on which land is handed over to Railway Companies, are given in the contracts entered into with those Companies, copies of which are also available in the Library of the House. Briefly the position is, that in most cases land has been provided free of cost to the Companies, while in some cases it has been provided at the cost of capital. The contracts generally provide for the relinquishment of such lands as may become surplus to requirements. In the event of the contracts being determined, and the railways taken over by Government,

the land is received back by Government along with the other assets of the Railway.

(b) The Rules, referred to above, provide that all lands surplus to requirements should, wherever possible, be surrendered, and that in the case of *agricultural or pastoral land*, all proprietary rights and all rights of occupancy, which were extinguished by the acquisition, should be first offered to the persons from whom they were acquired or to their heirs if discoverable.

(c) The Rules also provide that the price at which these rights are offered should be the amount of compensation originally paid for them, less 15 per cent. in excess of the value which will have been paid if the acquisition was compulsory. This price may be reduced, if necessary, on account of any deterioration that may have taken place in the fitness of the land for agricultural or pastoral purposes, while it was in the occupation of Government, but it should not ordinarily be increased on account of any rise in its market value during that period.

(d) I am making enquiries from the Railway Administration and shall lay a reply on the table in due course.

(e) No.

(f) and (g). I would invite the attention of the Honourable Member to the reply to starred question No. 1501 put in the House on the 22nd December, 1933, by Mr. Nabakumar Singh Dudhoria.

**Mr. S. G. Jog :** May I know whether the Pope Committee made any recommendations as regards waste lands near-about railways ?

**Mr. P. R. Rau :** Yes. A reference to that will be found in the reply to starred question No. 1501, that I have just referred to.

#### PROPOSALS TO SUPPLEMENT THE OTTAWA AGREEMENT RELATING TO INDIAN PROTECTIVE DUTIES.

526. **\*Mr. K. P. Thampan :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a Reuter's message, dated July, 27, London, about the announcement made in the House of Commons, by Lieut.-Colonel John Colville, regarding the opening of certain negotiations to bring the Indian Protective Duties within the Ottawa agreements ;
- (b) what were the negotiations referred to in it as having taken place early in the year ;
- (c) whether the preference given to British and other Empire countries under the Ottawa agreements was not distinctly subject to the fiscal and revenue requirements of India ; and if so, what these negotiations mean ; and
- (d) when they will place these proposals before the Indian Legislature for their ratification ?

**The Honourable Sir Joseph Bhoré :** (a) Yes, Sir.

(b) and (c). The negotiations referred to are the outcome of the visit of the United Kingdom Textile Delegation to India, and in this connection, I would refer the Honourable Member to paragraphs 3 and 4



of my letter, dated the 25th October, 1933, to Sir William Clare-Lees, Chairman of the United Kingdom Textile Delegation, copies of which are in the Library.

(d) The negotiations are in progress and no question of ratification arises at this stage.

**Mr. B. Das :** Has not the problem arisen in connection with the Indo-British Trade agreement which the Secretary of State announced in the House of Commons last March ?

**The Honourable Sir Joseph Bhoré :** I do not quite follow my Honourable friend : this is undoubtedly an agreement contemplated between this Government and the Government of the United Kingdom.

**Mr. B. Das :** Do I take it that it will only refer to the Indian textile industry or to all industries ?

**The Honourable Sir Joseph Bhoré :** It will refer, I think, to certain general principles which will be equally applicable to the cotton textile industry as to other industries.

**Mr. B. Das :** May I inquire at what stage these negotiations stand at present ?

**The Honourable Sir Joseph Bhoré :** At the stage of negotiations. (Laughter.)

**Mr. B. Das :** How long will it take to materialise and when will the Honourable Member be able to place the report on the table of the House ?

**The Honourable Sir Joseph Bhoré :** That is a matter upon which I can express no view at the present moment ; but certainly as soon as an agreement is arrived at, it will be placed before the House for its consideration ?

**Diwan Bahadur A. Ramaswami Mudaliar :** Are any Indian commercial bodies being consulted during this stage of these negotiations ?

**The Honourable Sir Joseph Bhoré :** No commercial interests have been consulted.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I take it that at some stage before the negotiations are completed, commercial interests—and I am referring to Indian commercial interests—will be consulted ?

**The Honourable Sir Joseph Bhoré :** I am not in a position to bind myself in regard to that. But I have no doubt that Government have an opportunity of knowing what the views of the commercial interests in this country are on the various questions that are under discussion.

**Diwan Bahadur A. Ramaswami Mudaliar :** Before they have made up their mind or come to an agreement ?

**The Honourable Sir Joseph Bhoré :** I said that I have no doubt that Government will be in a position to appreciate and know what the views of the commercial community are in regard to the various questions under discussion.

**Mr. K. P. Thampan :** Will they do it before they decide the question ?

**The Honourable Sir Joseph Bhore :** I am not in a position to give any assurance on that point.

**Mr. K. P. Thampan :** May I know whether it was, as a result of these negotiations, that the Government decided to drop even the revenue duty in regard to steel products ?

**The Honourable Sir Joseph Bhore :** It has absolutely nothing to do with it.

**Diwan Bahadur A. Ramaswami Mudaliar :** It has been restored.

**Mr. K. P. Thampan :** By whom ? I ask the question whether it was, as a result of these negotiations, that the Government have decided to drop the revenue duty on steel in the Steel Protection Bill, as introduced by the Government in the Assembly ?

**The Honourable Sir Joseph Bhore :** My Honourable friend is a little mixed with regard to details, but I have already answered the question, that the two have absolutely no connection with each other.

**Mr. S. C. Mitra :** Is the Honourable Member in a position to give some idea as to the means by which he intends to consult commercial opinion ?

**The Honourable Sir Joseph Bhore :** I never said that I was going to consult commercial opinion ; I merely said that I have no doubt that I shall be in a position to know what the views of the commercial community are in such matters.

**Mr. S. C. Mitra :** Are we to take it that you are always in a position to know commercial views and when there is no necessity to consult commercial opinion ?

**The Honourable Sir Joseph Bhore :** Commercial opinion has expressed itself on more than one occasion in regard to matters connected with these negotiations.

**Mr. B. Das :** May I know who represents the Government of India in this matter of negotiations with the British Government ? Is it the Secretary of State or has anybody been deputed by the Government of India to London ?

**The Honourable Sir Joseph Bhore :** Nobody has been deputed : the negotiations are carried on between the Government of India and His Majesty's Government through the Secretary of State.

**Mr. B. Das :** There is no direct negotiation across the table ?

**The Honourable Sir Joseph Bhore :** Direct negotiations, but over the telegraph wires. (Laughter.)

#### ENROLMENTS IN THE INDIAN ARMY CORPS OF CLERKS.

527. \***Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please state whether the candidates who were successful at the Ministerial Service Examination of 1932, were at the time of announcement of the said examination given to understand by the Public Service Commission that they will be required to enrol themselves for a period of ten years under the India Army Act ?

(b) Will Government please state if the said successful candidates were warned of their enrolment under India Army Act by the Public Ser-

vice Commission at the time they were offered the appointments in the offices of the Army and Royal Air Force Headquarters ?

(c) Will Government please inform this House what justification they have for forcing these candidates to enrol and for issuing such a letter after a period of about eight months after their appointments ?

**Lieut.-Colonel A. F. R. Lumby :** (a) No, Sir.

(b) and (c). The attention of the Honourable Member is drawn to reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Saheb Bahadur's starred question No. 304.

#### ENROLMENTS IN THE INDIAN ARMY CORPS OF CLERKS.

528. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government please state the privileges attached to the personnel that is proposed to be enrolled in the Indian Army Corps of Clerks, and the hardships involved by the enforcement of the Indian Army Act ?

(b) Will Government please inform this House whether the said successful candidates, even after enrolment under the India Army Act, will be allowed to appear at higher competitive examinations, *e.g.*, I.C.S., I.A. and A.S., P.C.S., etc. ?

(c) If the answer to part (b) be in the negative, will Government please state whether the civilian un-enrolled personnel in the Army and Royal Air Force Headquarters and the Civil Offices of the Government of India, who are selected and appointed on the results of the same examination are allowed to appear at higher competitive examinations, and if so, why the successful candidates who are appointed in the Army and Royal Air Force Headquarters, should be debarred from the privilege ?

(d) Will Government please inform this House whether the privileges of free rations, free quarters, free clothing, free conservancy, and various other allowances, admissible to the personnel of the British Wing of the Indian Army Corps of Clerks, will be admissible to the personnel of the Indian Wing of the Indian Army Corps of Clerks, even on comparative scales ? If not, why not ?

(e) If the answer to part (d) be in the negative, will the Army Secretary please state, if they mean only to subject the Indian personnel to all the hardships of court-martials, and military discipline, and intend to deprive them of all the privileges of a military status which are admissible to the Britishers of the same Indian Army Corps of Clerks ?

**Lieut.-Colonel A. F. R. Lumby :** (a) A statement is laid on the table, showing the more important of the privileges conferred on persons subject to the Indian Army Act. Government do not consider that enrolment under the Indian Army Act involves any hardship.

(b) It is within the power of the Head of the Office concerned to permit an enrolled clerk to appear at an outside competitive examination.

(c) Does not arise.

(d) and (e). The attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 7th August, 1934, to Mr. Gaya Prasad Singh's supplementary question to starred question No. 465. In actual fact, the British Soldier of the Indian Army Corps

of Clerks, serving at Army Headquarters, gets exactly the same pay, allowances and concessions, as he would get if he were serving in a lower formation, while the Indian member of the Corps serving in Simla, receives precisely the same as if he were serving in a lower formation, *plus* a 20 per cent. addition to his pay.

*Statement showing the more important of the privileges conferred on persons subject to the Indian Army Act.*

The more important of the privileges conferred on persons subject to the Indian Army Act are as follows :

- (i) The pay of an officer or soldier is protected from any deductions other than those authorised by Royal Warrant or by Act of the Governor General in Council. Penal deductions are legalised by the Indian Army Act, and other deductions by Royal Warrant.
- (ii) All Government pensions (including military pensions) are protected from attachment in the execution of decrees of Civil Courts.
- (iii) An officer or soldier serving in a military capacity who is a party to a suit and cannot obtain leave of absence may authorise any person, in writing, to sue or defend in his stead.
- (iv) A power of attorney to institute or defend a suit is exempt from fees under the Court Fees Act.
- (v) When serving under war conditions, persons subject to the Indian Army Act are protected in respect of civil and revenue litigation under the provisions of the Indian Soldiers' Litigation Act, 1918.
- (vi) Persons subject to the Indian Army Act on duty or on the march, as well as their authorised followers families (including families of such followers), horses, baggage and transport, are exempt from all tolls, except certain tolls for the transit of barges, etc., along canals.

**LEAVE AND PENSION FOR THE NEW ENTRANTS TO THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.**

529. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** Will Government please state whether they propose to cut down the leave and pension for the new entrants to the Army and Royal Air Force Headquarters, who joined Government service before July, 1934, whilst the leave and pension rules for similar entrants to the civil offices will remain unaltered ?

**Lieut.-Colonel A. F. R. Lumby :** As regards the first portion of the question, the revised leave and pension rules will be applicable to the personnel appointed on or after 28th September, 1931. The second portion of the question is based on incorrect information. Revised leave rules have already been issued for new entrants into civil offices, and revised pension rules are under consideration for them.

**EMOLUMENTS FOR THE NEW ENTRANTS TO THE ARMY AND ROYAL AIR FORCE HEADQUARTERS.**

530. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** Will Government please state whether the status of the Army and Royal Air Force Headquarters in regard to pay, etc., has in the past been always higher than that of Civil Attached Offices ? Is it a fact that the Civil Attached Offices and the Civil Secretariat have been brought at par in regard to pay and allowances, and, if so, what is the Government's justification for

their placing the Army and Royal Air Force Headquarters' personnel lower than the Attached Offices in total emoluments ?

**Lieut.-Colonel A. F. R. Lumby :** The reply to the first portion of the question is in the affirmative. As regards the last portion of the question, attention is drawn to my reply to Mr. S. C. Mitra's starred question No. 469 in the Legislative Assembly on the 7th August, 1934.

**MAIL BAG DESTINED FOR CALCUTTA MISSED BETWEEN SIMLA AND KALKA.**

531. **\*Mr. Gaya Prasad Singh** (on behalf of Mr. Lalchand Navalrai) :

(a) Will Government be pleased to state if on the 7th June, 1934, a mail bag destined for Calcutta was missed between Simla and Kalka ? If so, who was in charge of the mail that day and what explanation has he given for the loss ?

(b) Is it a fact that one Superintendent of Railway Mail Service was travelling by the same car which carried the mail, and if so, what explanation does he give as to the loss ?

(c) Where was it for the first time observed that the bag was missing, and who observed it ?

(d) Was information lodged with the police ? If so, where ?

(e) What efforts have the Postal Department made to find out the bag and the culprit ? What progress have the police made in that direction ?

(f) Has the case been entrusted to the Criminal Investigation Department Police ? If not, why not ? If so, what progress have they made ?

(g) Do Government propose to take some drastic measures to unearth this case ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be placed on the table of the House in due course.

**TAXING OF LETTERS WEIGHING A LITTLE MORE THAN HALF A TOLA.**

532. **\*Rao Bahadur S. R. Pandit** (on behalf of Sardar G. N. Mujumdar) : With reference to the assurance given by the Honourable the Finance Member, Sir George Schuster, in his last Budget speech, that the postal officials will not be too strict in taxing letters weighing only a little more than half a tola, will Government please lay on the table a copy of the instructions issued by them to the Postal Department ? If no instructions were issued, will Government please state why they failed to do so, and whether they propose to rectify the mistake now ? If not, why not ?

**The Honourable Sir Frank Noyce :** No such assurance, as stated by the Honourable Member, was given by the Honourable Sir George Schuster. The latter parts of the question do not, therefore, arise.

**Pandit Satyendra Nath Sen :** May I know, Sir, if some extra hands have been employed in some important post offices to detect the one anna envelopes which exceed their proper weight ?

**The Honourable Frank Noyce :** I am sorry I did not catch the Honourable Member's question. Will he kindly repeat it ?

**Pandit Satyendra Nath Sen :** Is it a fact that some extra hands have been employed in some important post offices merely to detect one anna envelopes which exceed their proper weight of half a tola ?

**The Honourable Sir Frank Noyce :** I have no information on that point, Sir.

**Maulvi Muhammad Shafee Daoodi :** Are Government aware that a very large number of letters are charged extra as a result of the slight difference between letters weighing half a tola and more than one tola ?

**The Honourable Sir Frank Noyce :** Sir, as I know the House is very interested in this matter, I may perhaps be permitted to make a short explanation. So far as I can understand the purport of the figures which I have been able to obtain on this point, there has been no very marked increase in the revenue from deficit postage,—certainly not more than one could expect to follow from a change in rates. We have received no special reports from Heads of Circles on this point, as we did when the change in the rates for postcards came about. We are, in the course of this month, having the usual enumeration of letters and other articles which pass through the post offices, and special attention will be directed to this point of deficit postage. I am also calling for information from certain selected post offices regarding the amount of deficit postage which has been collected, and I would only add for the information of the House that our policy in regard to future rates will be framed in the light of the information obtained from these sources.

**Mr. Gaya Prasad Singh :** If the public take to writing postcards more extensively than at present, will not the object of the Government be frustrated ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The answer is contained in the question.

#### RATE REGISTERS EXPERIMENT ON THE NORTH WESTERN RAILWAY.

533. **\*Kumar Gupteshwar Prasad Singh :** (a) Is it a fact that foreign outward goods booking over the North Western Railway is being done with the help of Rate Registers for the last four years ? If so, is the Railway convinced of its utility by its four years practical working ?

(b) Is it a fact that the Railway Board has decided to continue the experiment for another two years ? Is it not uneconomical to continue it as an experiment ?

(c) What is the sanctioned strength of the establishment employed on the experiment ? How many men of the Railway Clearing Accounts Office are on deputation for that work and how many men are there on the supervising staff of that work ?

**Mr. P. R. Rau :** (a) and (b). I would refer the Honourable Member to the reply I gave to Mr. D. K. Lahiri Chaudhury's starred question No. 433 on the 7th August, 1934.

(c) The sanctioned strength of the establishment, on transfer from the Railway Clearing Accounts Office to the North Western Rail-

way, was one Accountant and 31 clerks. No information is available as regards the number of men of the Railway Clearing Accounts Office now on deputation.

PROMOTION OF STAFF HELD UP ON THEIR MAXIMUM ON STATE RAILWAYS.

534. \*Mr. Gaya Prasad Singh (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state what action has been taken by them on paragraph 153, on page 44, of Volume I to Mr. Hassan's report, in which he brought it to the notice of the Railway Board the fact that the staff, in certain categories, are unduly held up on their maximum, where the promotion of higher grade posts is small or non-existent, and thus an obvious injustice is done to staff who happen to be posted in such categories, in comparison to those fortunate staff who get rapid promotions due to a larger proportion of higher posts existing in their categories ?

(b) Were any instructions issued to the Agents of State Railways on this subject ? If so, do Government propose to lay a copy of the same on the table of this House ?

(c) Will Government be pleased to state how many Number-Takers, working as Trains Clerk, in each grade, are held up on their maximum since the last five years on the East Indian Railway for want of higher posts in their categories ?

(d) If the reply to part (b) be in the negative, are Government prepared to issue explicit instructions to the Agents now ?

Mr. P. B. Rau : (a), (b) and (d). A copy of the orders issued in August, 1933, is laid on the table.

(c) Government have no information.

GOVERNMENT OF INDIA.  
RAILWAY DEPARTMENT.  
(RAILWAY BOARD.)

No. 660-E.G.,

Simla, the 31st August, 1933.

To

The Agent, Eastern Bengal Railway.  
East Indian Railway.  
North Western Railway.  
Great Indian Peninsula Railway.

Dear Sir,

*Representation of Muslims and other minority communities in the subordinate Railway Services.*

With reference to the correspondence resting with your letter (1) No. 185-E./18, dated 13th July, 1933.

(2) No. A.E.-84011, dated 22nd June, 1933.

(3) No. 831-E./281/II, dated 20th June, 1933.

(4) No. 21239-R., dated 5th June, 1933.

I am directed to state that after considering the views furnished by the various State-managed Railways, the Railway Board have decided that the following action should be taken on the recommendations made by Mr. Hassan in his report on the "Representation of Muslims and

other minority communities in the subordinate Railway Services " except recommendations Nos. 7 to 13 which are still under consideration and on which orders will issue in due course.

*Recommendation No. 1.*—The Divisional Selection Boards should be held on different dates to enable a candidate rejected in one Division to try in another, or Divisions where members of minority communities are available in large numbers should be asked to recommend candidates of these communities in such numbers to the Central Selection Board that if there is any deficiency in one Division it may be made up by excess in the other.

*Decision.*—(\*In the case of Railways where final appointments are made by a Central Selection Board, the Divisional or District Selection Boards should, where candidates of minority communities are available in large numbers, recommend candidates in such numbers that if there is a deficiency in any other Division or District, it might be met by candidates from these Divisions. Similarly, on Railways where final appointments are made by Divisional or District Selection Board, should there be any difficulty in selecting the required number of candidates of minority community in any Division or District a requisition for the remaining number should be placed on those Divisions or Districts where the candidates of that minority community are available in larger numbers). (†If one Division has a number of candidates belonging to the minority communities who pass the Selection Board and who are in excess of the number required on that Division, the Divisional Superintendent should offer them to other divisions on the distinct understanding that they will be posted to and remain on the Division or District where they are appointed to work.)

*Recommendation No. 2.*—The rule that preference should be given to sons and relatives of Railway employees should be suitably amended so as not to affect the Muslim interests adversely.

*Decision.*—It is noted that the operation of Rule 63 of the " Rules for the recruitment and training of subordinate staff on State-managed Railways does not act detrimentally to the interests of the minority communities as 1|3rd of the vacancies are reserved for the redress of marked communal inequalities. In view of this, the Railway Board do not consider any further orders are necessary.

*Recommendation No. 3.*—Provision should be made for the redress of communal inequalities in the rules of recruitment relating to Apprentice Mechanics.

*Decision.*—Necessary provision has been made in this respect in the " Rules for recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical Workshops of State-managed Railways ", vide this office letter No. 2434-E., dated the 23rd March, 1933.

*Recommendation No. 4.*—In cases in which promotion is given by branches of an office necessary adjustment should be made to see that the subordinate staff in each branch have fair chances of promotion to the higher grades.

*Decision.*—The Railway Board desire that the subordinate staff in each branch of an office where promotion is given by branches, irrespective of the community to which they may belong, should have reasonable chances for promotion to the higher grades. (†In this connection, I am to point out that para. 2 of this office letter No. 917-E.G., dated the 6th August, 1931, to which you refer in your reply does not affect this recommendation, the object of which as explained in para. 153 of the report is that in cases in which promotion is given by branches of an office the distribution of the staff should be made in such a manner that each member of the staff may have a reasonable chance of promotion to rise to the higher grades.)

*Recommendations Nos. 5 and 14.*—

5. The attention of all the Railway Administrations should again be drawn to the fact that it is the intention of the Railway Board to provide special training facilities for Muslims, which will in the course of time fit them for higher posts and

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\* ( ) To G. I. P., N. W. and E. B. Rlys. only.

† ( ) To E. I. Rly. only.

‡ ( ) To N. W. Rly. only.



they should be asked to inform the Railway Board at the end of each year what definite action has been taken by them in the matter.

14. Muslims with the requisite qualifications should be selected from among those already in service and given special facilities for training for the higher posts.

*Decision.*—The Railway Board are averse to adopting any arrangement which may savour of communal discrimination in respect of existing employees. They consider it of importance that no man's claim to promotion should be overlooked because he belongs to a particular community and special consideration should be given to the provision of training facilities for higher posts for all communities. Particular care should be taken to see that communities that are inadequately represented in the higher posts are given careful consideration and adequate training to fit them for higher posts.

*Recommendation No. 6.*—Action should be taken to increase the number of Muslims in the Establishment sections of Railway Offices.

*Decision.*—The Board consider that it is important to ensure that particular communities are not handicapped by the preponderance of any one community in the Establishment branches of Railway Offices and leave it to you to take whatever steps may be necessary for this purpose.

*Recommendation No. 15.*—A Special organization, the duration of which will depend on the extent to which the Railway Board are prepared to accept any recommendations should be set up at the headquarters of the Railway Board to assist and advise the Railway Administrations in carrying out the orders that the Railway Board may be pleased to pass on this report. If for any reasons it is not considered necessary to have a special organization this work should be entrusted to the Deputy Director, Establishment, Railway Board and should form part of his regular duties.

*Decision.*—The Railway Board do not propose to take any special action in this direction as they consider that this work should form part of the normal duties of the organization provided for Establishment work. The Board expect that you and the officers subordinate to you will give due consideration to the orders issued in this connection.

Yours faithfully,

K. M. HASSAN,

*Deputy Director, Railway Board.*

#### PROMOTION OF NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

535. \***Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if any instructions were issued to the Agents of State Railways in connection with Mr. Haymen's speech in this House as quoted in paragraph 155, on page 45, Volume 1 of Mr. Hassan's report, in which he assured this House that Railway subordinates in the lower grade of all class and communities, which are not properly represented in the upper grades, will be admitted into the Railway Training Schools and given proper technical training so as to make them fit within the quickest possible time to fill the higher posts that fall vacant ?

(b) If the reply to part (a) be in the affirmative, do Government propose to lay on the table of this House a copy of the instructions issued ?

(c) Will Government be pleased to state how they reconcile with this declared policy their answer to starred question No. 391, dated the 6th March, 1934, in which the Agent, East Indian Railway, has expressed his unwillingness to provide special facilities to the staff in the Number-Takers categories for promotion to the posts of Yard Masters, Assistant Yard Masters and Yard Foreman ?

(d) How do Government reconcile this policy with the refusal of the East Indian Railway administration to examine the staff employed in the Number-Taker's categories for qualifying examinations for higher posts ?

(e) If the answer to part (d) be in the negative, do Government propose to issue necessary instructions and also see that proper steps are taken to train staff in each category, specially those in which chances for promotion to higher posts do not exist, and to promote men from that category and to see that all orders which are in conflict with this declared policy are cancelled ?

**Mr. P. B. Rau :** (a) and (b). I would invite the Honourable Member's attention to the orders I have just placed on the table.

(c), (d) and (e). The Agent, East Indian Railway, has been asked to consider the question in the light of the policy of Government as laid down in their orders of August, 1933.

#### INADEQUATE REPRESENTATION OF INDIANS IN HIGHER POSTS IN THE TRAFFIC DEPARTMENT OF THE EAST INDIAN RAILWAY.

536. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if they are not aware of the inadequate representation of Hindus and Muslims in the higher posts in the Traffic Department of the East Indian Railway, carrying a salary of Rs. 150 per mensem, as given in paragraph 204, page 64, of Volume 1 of Mr. Hassan's report, the same being limited to 47 posts and on percentage basis 13.54 per cent. and in comparison to European and Anglo-Indian representation of 298 posts or 85.88 per cent. of the total number of posts, regard being had to the fact that on lower posts Hindus and Muslims form a majority of 51.42 or 84.36 per cent. as against 902 or 14.8 of Europeans and Anglo-Indians ?

(b) Will Government be pleased to state what steps have been taken by them and the Agent, East Indian Railway, to increase the proportion of Indians in the higher posts in the Traffic Department of the East Indian Railway ?

**Mr. P. B. Rau :** With your permission, Sir, I propose to reply to questions Nos. 536 and 537 together.

(a) The figures have been correctly quoted by my Honourable friend from Mr. Hassan's Report.

(b) I would invite the Honourable Member's attention to paragraph 3 of the Railway Board's letter No. 2395-E., dated the 23rd May, 1929, to the Agents of all State-managed Railways,—a copy of which is in the Library of the House—in which they were instructed that, in those branches of the service in which a preponderant share of the appointments has fallen to Anglo-Indians in the past, opportunities must be given to members of other communities to show their fitness. In view of the increasing number of Indians, who are now being employed in each category of the Traffic Department on all the State-managed Railways, the percentage of Indians will, I have no doubt, increase in the course of time in the posts referred to by the Honourable Member.

**INADEQUATE REPRESENTATION OF INDIANS IN THE POSTS OF YARD MASTERS, YARD FOREMEN, ETC., ON THE EAST INDIAN RAILWAY.**

†537. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if they are not aware of the inadequate representation of Hindus and Muslims in the posts of Chief Yard Masters, Yard Masters, Assisant Yard Masters, and Yard Foreman, in grades ranging from 280 to 530 on the East Indian Railway as given on page 94, Volume III of Mr. Hassan's Report, in which he states that out of 80 such posts existing Hindus and Muslims share only two posts as against 78 held by Europeans and Anglo-Indians ?

(b) Will Government be pleased to state what steps they and the Agent, East Indian Railway have taken and propose to take, to see that Indians are promoted to these posts ?

**PROMOTION OF NUMBER-TAKERS AND TRAIN CLERKS ON THE EAST INDIAN RAILWAY.**

538. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government be pleased to state if the following statements, made in Mr. Hassan's Report, are correct :

(i) Page 19, Volume II, referring to recruitments of Guards on the North Western Railway :

“ The number to be recruited direct will be fixed in each division after considering the claims for promotion of deserving Ticket Collectors and Trains clerks.”

Posts will be filled (in Guard Grade III) by promotion from Grade II or by selection of outstanding men in other classes whose pay is too high for them to be fitted into Grade II and by direct recruitment.”

(ii) Para. 100, page 27, Volume I, referring to promotions of Number-Takers on the Great Indian Peninsula Railway, in which he states that Number-Takers are promoted as Guards and from there to all the posts open to Guards and to the posts of Yard Supervisors and Yard Foremen ;

(iii) Pages 6, 30, and 94 of Volume III, in which it is stated that Trains clerks in their own category get promoted to Rs. 145 grade on the Eastern Bengal Railway (page 6), to Rs. 190 grade on the North Western Railway (page 30) and only Rs. 110 or 120 on the East Indian Railway (page 94) ?

(b) Will Government state if it is a fact that Yard Foremen and Yard Supervisors on the North Western Railway who perform duties identical with those of Yard Foreman and Assistant Yard Masters of the East Indian Railway are in many instances recruited from the category of Number-Takers, and Trains Clerks ?

(c) Will Government be pleased to state whether they are prepared to issue explicit instructions to the Agent, East Indian Railway, to provide some avenue of promotion to staff in this category with a view to remove a genuine hardship ?

**Mr. P. R. Rau** : (a) Government regret they are unable to undertake an investigation to check the correctness of the statements in question.

(b) Government have no information on this point.

(c) A copy of this question is being sent to the Agent, East Indian Railway, for consideration of the suggestion made therein.

†For answer to this question, see answer to question No. 536.

**ORGANISATION OF THE PERSONNEL DEPARTMENTS ON STATE RAILWAYS.**

539. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : Will Government be pleased to state if they agree with the statements made in paragraph 193, page 38, Volume I of Mr. Hassan's Report that " The North Western Railway is probably the best organised of all the State-managed Railways so far as the staff problem are concerned, and it is possible here more than elsewhere to trace a definite policy in handling staff questions " ? If so, why are the personnel departments on other State Railways not being organised on the same lines ?

**Mr. P. R. Rau** : Government are not prepared to express an opinion on the quotations referred to. The personnel organisations on the State-managed Railways are generally on the same lines though there may be slight differences of detail. Government do not consider it necessary to achieve absolute uniformity in such matters.

**Sardar Sant Singh** : Do the Government endorse the fact that the North Western Railway is the best managed Railway in India ?

**Mr. P. R. Rau** : I said that Government were not prepared to express an opinion on it.

**CONSULTATION OF LOCAL GOVERNMENTS FOR THE SELECTION OF DELEGATES TO THE LEAGUE OF NATIONS.**

540. **\*Mr. Bhuput Singh** : Will Government please state whether Local Governments are consulted when Indian Delegates to the League of Nations are selected ?

**The Honourable Sir Nripendra Sircar** : The Honourable Member is aware that the delegates are appointed by the Secretary of State acting in consultation with the Government of India. The latter hold themselves free to consult Local Governments if and when occasion arises.

**Mr. Bhuput Singh** : Was there any occasion on which the Local Governments were at all consulted before the Government of India sent their recommendations to the Secretary of State ?

**The Honourable Sir Nripendra Sircar** : Sir, the proposals for selections being the subject of confidential communications, I am not in a position to add anything to the reply I have already given.

**Mr. Gaya Prasad Singh** : The question was not asked for disclosing the contents of any confidential communications, but the question was whether the Government of India had ever consulted the Local Government in the matter of selection of delegates to the League ?

**The Honourable Sir Nripendra Sircar** : As I have said, the Government of India is quite free to consult the Local Governments. They consult the Local Governments whenever occasion arises. As regards the actual communications, I am not prepared to make any statement.

**Mr. Gaya Prasad Singh** : Was there any occasion at all for the Government of India to consult the Local Governments ? Did they, as a matter of fact, ever consult the Local Governments or not ?

**The Honourable Sir Nripendra Sircar** : Not in my time.

**Mr. Bhuput Sing :** My question is whether in past years the Government of India ever consulted the Local Governments in the selection of delegates ?

**The Honourable Sir Nripendra Sircar :** If the question goes back to all past years, I would ask my friend to give me notice.

**Mr. Bhuput Sing :** I put the question the other day, and the Honourable Member wanted notice, and so I have asked whether Local Governments were ever consulted at all ? Was there any occasion on which the Government of India consulted the Local Governments in the past in regard to the selection of delegates ?

**The Honourable Sir Nripendra Sircar :** If my Honourable friend means whether, during all these years in the past at any time, the Local Governments were consulted, the answer is in the affirmative.

**Mr. Bhuput Sing :** How many times, may I know ?

**The Honourable Sir Nripendra Sircar :** As my friend's inquisitiveness is increasing, I would ask for notice.

#### RETRENCHMENT IN THE BENGAL AND ASSAM POSTAL CIRCLE.

541. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Post Master General, Bengal and Assam, has been issuing orders every month, retrenching clerks and postmen in the Circle before completion of their service ?

(b) Is it a fact that those orders will spread over a number of months ?

(c) Is it a fact that the postmen and clerks with services ranging from one to less than ten years are also being selected for retrenchment ? If so, why ?

**The Honourable Sir Frank Noyce :** (a) It is a fact that the retrenchment of surplus posts of all categories is still being given effect to in all Circles of the Posts and Telegraphs Department, including the Bengal and Assam Circle.

(b) Yes.

(c) Government have no precise information, but if the facts are as alleged by the Honourable Member the procedure would not be in conflict with the orders of Government laying down the method of retrenchment.

**Mr. S. C. Mitra :** Sir, arising out of (c), may I take it that the other two categories of lists relating to people whose service was unsatisfactory or those who are superannuated have been exhausted before this category of officers are selected for retrenchment ?

**The Honourable Sir Frank Noyce :** I presume that the orders regarding the order in which personnel should be retrenched are being duly followed.

#### RETRENCHMENT IN THE BENGAL AND ASSAM POSTAL CIRCLE.

542. **\*Mr. S. C. Mitra :** (a) Is it a fact that the procedure laid down by the Government of India, Finance Department, for selecting personnel for retrenchment is not strictly followed in the Postal Department ?

(b) Is it a fact that the officials with services ranging from one to less than ten years are under orders of retrenchment in Bengal and Assam Circle in preference to those who are above 30 years of service ?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government please state the reasons therefor ?

**The Honourable Sir Frank Noyce :** (a) No.

(b) Government have no information. I may, however, state for the Honourable Member's information, that the occurrence of such cases is possible, as, according to the prescribed procedure referred to in part (a) of the question, retrenchment of personnel is subject to the condition that the existing ratio between the communities, in each category of service, is maintained as far as practicable.

(c) Does not arise.

#### RETRENCHMENT OF STAFF IN THE POSTAL DEPARTMENT.

543. **\*Mr. S. C. Mitra :** (a) Is it a fact that for the purpose of retrenchment of staff in the Postal Department, each Superintendent's Division is treated as one unit ?

(b) Is it a fact that the surplus staff of one unit are not allowed to be absorbed in the vacancies existing in another unit ?

(c) Is it a fact that in the ordinary course the officials of one division are always posted in another division ?

(d) Is it a fact that as a result of this compartment system, a clerk or a selection grade supervisor or a divisional inspector who happens to be in a division where retrenchment is necessary, was retrenched though his seniors are left out, being in another division where retrenchment of personnel is not necessary ?

(e) Do Government contemplate issuing revised orders for rectifying these anomalies ?

**The Honourable Sir Frank Noyce :** (a) The present orders of Government are that all posts in clerical grades of an establishment or office shall, for the purpose of retrenchment, be treated as forming one cadre. It has, however, come to the notice of Government that a uniform procedure has not been followed in this respect in all Circles.

(b) Yes.

(c) If officials, not above the rank of clerks in the ordinary time-scale, are meant, the reply is in the negative.

(d) Government have no information.

(e) Government are considering the question of laying down a uniform procedure relating to the grouping of posts in clerical grades for purposes of retrenchment.

**Mr. S. C. Mitra :** I could not follow the answer to part (b) of the question. Will the Honourable Member kindly repeat it ?

**The Honourable Sir Frank Noyce :** The answer to (b) is "Yes."

**Mr. S. C. Mitra :** Will the Honourable Member kindly explain why they make these smaller units by which justice is denied in specific

instances ? I think the Honourable Member has understood the implication of the question. If there are smaller divisions and people are retrenched without reference to bigger divisions, there would be individual cases of great hardship.

**The Honourable Sir Frank Noyce :** That, Sir, unfortunately is inevitable owing to the fact that the retrenchment is made for units. That has been the procedure so far, and there does not seem to be any reason for changing it now.

**Mr. S. C. Mitra :** My question was this. In this particular case, they take the Postal Superintendent's jurisdiction as a single unit, and retrenchment is confined to that particular unit. But if they take a bigger unit, say, the whole division, particular individuals may not suffer so much.

**The Honourable Sir Frank Noyce :** I think, Sir, it will be better for the Honourable Member to put down a question on that subject. I cannot say offhand on what principles the unit was fixed.

**Mr. S. C. Mitra :** That is clear from part (a) of my question :

“ Is it a fact that for the purpose of retrenchment of staff in the Postal Department, each Superintendent's Division is treated as one unit ? ”

When they really cut the whole division into separate units and apply the rules of retrenchment to each unit, it involves great hardship to many individuals.

**The Honourable Sir Frank Noyce :** I have already said that I cannot say offhand on what principle the unit was fixed. But I am aware that if the unit is a Superintendent's division and retrenchment is made within the division, some cases of hardship may arise. If the retrenched man had been serving in another division, he would perhaps not have been retrenched. Some unit had to be fixed and the Superintendent's division was chosen. The same hardship would arise if you had a bigger unit.

**Mr. S. C. Mitra :** May I take it that the Honourable Member will make enquiries and see that the unit is not too small in order to avoid numerous cases of hardship ?

**The Honourable Sir Frank Noyce :** I shall be glad to make an enquiry on the subject, but I very much hope that retrenchment in the Posts and Telegraphs Department is coming to an end.

**Mr. S. C. Mitra :** My point is that it has not ceased in this Department, and unlike in the other Departments of the Government, retrenchment is going on in the Postal Department even today and will continue for another one or two years. I think that is known to the Honourable Member.

**The Honourable Sir Frank Noyce :** I hope, Sir, not for years. I hope it will soon come to an end.

**Mr. S. C. Mitra :** Is it not a fact that the Honourable Member himself has sanctioned and extended the period for this Department, so that the retrenched officers may get their gratuity of forced retirement ?

**The Honourable Sir Frank Noyce :** Yes, but I cannot say offhand for what extended period we have allowed it, but I think it is for the current year.

**Dr. Ziauddin Ahmad :** The Honourable Member said that the retrenchment will soon come to an end. What is the meaning of "soon"? Six months or one year?

**The Honourable Sir Frank Noyce :** I merely expressed the hope that it would soon come to an end.

#### RETRENCHMENT IN THE BENGAL AND ASSAM POSTAL CIRCLE.

544. **\*Mr. S. C. Mitra :** (a) Is it a fact that for the purpose of retrenchment of personnel in the Postal Department, the time-scale clerks and non-gazetted selection grade officials, are treated as belonging to one category?

(b) Is it a fact that the posts of Office Superintendent of the Post Master General's Office, Bengal and Assam Circle, and of the Manager, Dead Letter Office, Calcutta, are non-gazetted posts?

(c) Is it a fact that according to Government orders, officials are to be retrenched, when necessary, according to length of service?

(d) Is it a fact that the Manager, Dead Letter Office, Calcutta, having 32 years' service at his back, has been left out, and the officials with less service have been retrenched?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) Yes.

(c) The fact is not as stated by the Honourable Member. In this connection, his attention is invited to a copy of the order regulating the selection of individuals for discharge, which was laid on the table of the House, in reply to part (a) of Dr. Ziauddin Ahmad's starred question No. 84 on the 19th of July last.

(d) Government have no information.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### STAFF RETRENCHED AND RE-EMPLOYED.

44. **Khan Bahadur Haji Wajihuddin :** Will Government please state the number of ministerial servants and gazetted officers who have been retrenched since 1931 and who have been re-employed or re-instated so far, and give details of employment given to them with special reference to the difference in pay and status?

**The Honourable Sir James Grigg :** The information desired could not be furnished without a special investigation involving a very large expenditure of time and labour which the results of the investigation could not possibly justify.

##### SURPLUS PROFITS DERIVED FROM STATE RAILWAYS.

45. **Mr. K. P. Thampan :** Will Government be pleased to state the amount of surplus profits derived from State-owned but Company-managed railways during the last five years?



**Mr. P. R. Rau :** The information required by the Honourable Member will be found on page 7 of the booklet named " Results of working of Indian Railways for 1933-34 ", copies of which were circulated to the Members of the House early last month.

#### LETTERS EXCEEDING THE WEIGHT LIMIT.

**46. Mr. Bhuput Sing :** Will Government be pleased to state the total number of letters which exceeded the weight limit during the periods April to June, 1933, and April to June, 1934 ?

**The Honourable Sir Frank Noyce :** I presume that by " weight limit ", the Honourable Member means the limit of weight admissible for a letter with reference to the postage stamps it bears. No separate statistics of letters, which are taxed owing to their being insufficiently stamped, are maintained in post offices, and it is not, therefore, possible to furnish the information for which he asks.

#### CLERKS AND POSTMEN RETRENCHED IN EACH POSTAL CIRCLE.

**47. Mr. S. C. Mitra :** Will Government please lay on the table a statement showing, Circle by Circle, (i) the number of postmen retrenched up to 30th June, 1934, (ii) the number of postmen to be retrenched up to 30th October, 1934, (iii) the number of clerks with services ranging from one to less than ten years retrenched up to 30th June, 1934, (iv) the number of such clerks to be retrenched up to 30th October, 1934, (v) the number of clerks and non-gazetted selection grade officials retrenched up to the 30th June, 1934, and (vi) the number of clerks and non-gazetted selection grade officials to be retrenched till the 30th October, 1934 ?

**The Honourable Sir Frank Noyce :** Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

#### ALLEGATIONS AGAINST THE ACCOUNTANT AND THE ESTABLISHMENT CLERKS OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

**48. Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that two brothers, Messrs. Bhawani Charan (Accountant) and Kamaka Charan (Establishment clerk) of the Government of India Press, Aligarh, are running their own press namely " Rose Press " at the Railway Road, Aligarh ?

(b) Are Government aware that they are taking honorary labour from the poor employees of the Government of India Press, Aligarh, and if they (employees) refuse, they have to suffer much at their hands in the office ?

(c) Are Government aware that the men working in their Press (Rose Press) are assured that they will be provided first in the Government of India Press, Aligarh, when opportunity arises ?

(d) Is it a fact that Bhawani Charan (Accountant) is always insisting and compelling the authorities to provide them first ?

**The Honourable Sir Frank Noyce :** (a) My information is that Messrs. Bhawani Charan and Kamaka Charan are not in any way connected with the Rose Press.

(b), (c) and (d). Do not arise.

**MUSLIMS AND NON-MUSLIMS IN THE CLERICAL BRANCH OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.**

49. **Kunwar Hajee Ismail Ali Khan :** (a) Will Government be pleased to lay on the table a statement showing the percentage of Muslims and non-Muslims in the clerical branch of the Government of India Press at Aligarh ?

(b) Are Government aware that the percentage of Muslims employed in the clerical branch is far below the sanctioned limit ?

(c) Are Government prepared to take measures to make up their deficiency ?

**The Honourable Sir Frank Noyce :** (a) According to the latest information I have, the percentage on the 31st December, 1933, was—

Muslims	..	..	..	17
Non-Muslims	..	..	..	83

(b) and (c). No minimum proportion of Muslims in any office has been prescribed. The recent orders of the Government of India, which prescribe a minimum percentage of 25 for the recruitment of Muslims, apply only to recruitment from the date of those orders. These orders will be followed in making future recruitment.

**CONVEYANCE ALLOWANCE PAID TO THE HEAD CLERK AND CASHIER OF THE GOVERNMENT OF INDIA PRESS, SIMLA, FOR RECEIVING PAYMENTS OF BILLS FROM THE BANK.**

50. **Mr. S. G. Jog :** (a) Is it a fact that the Head Clerk and Cashier of the Government of India Press, Simla, is allowed to draw conveyance allowance for receiving payments of the bills from the Bank and the Treasury ?

(b) If the reply to above is in the affirmative, will Government please lay a statement showing the amount paid to him as conveyance allowance, month by month, during the last three months and state the rate for every trip ?

(c) Is it a fact that the Treasury and the Bank are on his way to the Office and he gets the bills passed and cashed while going to the office ?

(d) Is it also a fact that on the first of every month an upper grade clerk and a peon accompany him to the bank to draw payments ? If so, will Government please state the amount of conveyance allowance admissible to them ?

(e) If the reply to part (c) be in the affirmative, are Government prepared to consider the desirability of minimising it specially in these days of financial stringency ?

**The Honourable Sir Frank Noyce :** (a) Yes

(b) May 1934, Rs. 27-0-0.

June, 1934, Rs. 19-8-0.

July, 1934, Rs. 22-8-0.

The rate for each trip is Rs. 1|8|0.

(c) The reply to the first part is in the affirmative, and to the second part in the negative.

(d) Yes. The upper grade clerk is paid conveyance hire at the rate mentioned in (b) above. No conveyance hire is paid to the peon.

(e) The Controller of Printing and Stationery is investigating the question of reducing expenditure on conveyance hire.

**ALLEGATIONS AGAINST THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA.**

51. **Mr. S. G. Jog :** (a) Are Government aware that the behaviour and treatment of the Head Clerk of the Government of India Press, Simla, towards his subordinates is very unsatisfactory ?

(b) Is it a fact that two or three employees dared to bring this to the notice of the Manager of the Press, but they were threatened by the Head Clerk to withdraw their complaints, as otherwise he will put them to great trouble and inconvenience ?

(c) Is it a fact that due to the Head Clerk's threats they could not submit their grievances even to the Manager ?

(d) Is it a fact that a senior reader (Mr. E. B. Murray) applied to the Manager to permit him to sue in the Court the Head Clerk for some incorrect remarks passed by him against the said Reader on certain papers ?

(e) Is it a fact that the Manager of the Press compelled him to withdraw his application ?

(f) If the reply to part (a) be in the negative and replies to parts (d) and (e) in the affirmative, do Government propose to appoint an Enquiry Committee to investigate into the matter ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) The facts are still as stated by me in the reply which I gave on the 11th December, 1933, to Sardar Sant Singh's unstarred question, No. 302

(b) and (c). Government have no information.

(d) Mr. Murray made a complaint against the head clerk under a misunderstanding. The complaint was subsequently withdrawn.

(e) No.

(f) Does not arise.

**RELATIVES OF THE HEAD CLERK OF THE GOVERNMENT OF INDIA PRESS, SIMLA, PROVIDED WITH QUARTERS.**

52. **Mr. S. G. Jog :** (a) Will Government please state the number of employees in the Government of India Press, Simla, and how many of them are far and near relatives of the Head Clerk of the Press ?

(b) Will Government please state the number of employees who have been provided with Government Clerks' Quarters and how many of them are relatives of the Head Clerk ?

(c) Will Government please state how many of the Head Clerks' relatives were in possession of such quarters prior to his taking charge of the Press ?

**The Honourable Sir Frank Noyce :** (a) The sanctioned strength is 353. There are five relatives of the head clerk.

(b) 21, of whom three are relatives of the head clerk.

(c) one.

**STATUS OF OFFICERS PASSING OUT OF THE INDIAN MILITARY ACADEMY,  
DEHRA DUN.**

**53. Mr. Bhuput Sing :** (a) Will Government please state whether under the proposed Indian Army Act (Amendment) Bill, officers passing out of the I. M. A., Dehra Dun, will be granted the *same form of commission* as is now issued to British and Indian officers trained at Sandhurst or Woolwich ? If not, will Government please state the points of difference between the two kinds of commissions ?

(b) Will Government please state the reason against the grant, to the Dehra Dun officers, of the form of commission now granted to British officers of the Indian Army ?

(c) Has the attention of Government been drawn to the following paragraph which appeared in the *Statesman* of the 18th July, 1934 :

“ Captain Sher Mohammed Khan said the Bill merely introduced into the Army Act the term Indian King’s commissioned officer, which did not exist before, but there would be absolutely no difference between such officers and British officers in the matter of command and status. He welcomed the abolition of Viceroy’s Commission officers as hitherto a recruit to the Army aspired only to the position of Subedar-Major. After the passage of the Bill a recruit could aspire to the position of Commander-in-Chief.” ?

(d) If so, will Government please state whether the above paragraph correctly represents the Government’s policy ?

**Lieut.-Colonel A. F. R. Lumby :** (a) and (b). Cadets from Woolwich and Sandhurst receive commissions in His Majesty’s Land Forces. Cadets from the Indian Military Academy will receive commissions in His Majesty’s Indian Land Forces in the same form as those given to officers of the Indian Air Force and officers of the Canadian Forces. I would invite the attention of the Honourable Member in this connection to the Press communiqué on the subject, issued on the 8th July, 1932.

(c) and (d). It is quite clear from the context, that my Honourable friend, Captain Sher Muhammad Khan, was referring to the Indian Army Act. In so far as he was referring to officers and men of the Indian Army, he correctly stated the policy of Government ; for there will be complete reciprocity of command and equality of status between King’s commissioned officers and the new Indian commissioned officers within the Indian Army. It is rather early to consider what chances Indian Commissioned Officers will have of rising to the position of Commander-in-Chief ; but the Government’s policy of complete Indianization of the Army surely presupposes that such officers will ultimately be able to aspire to that position.

I shall try to make the whole position clear when the Indian Army (Amendment) Bill comes before this House again in a few days’ time.

### TECHNICAL MILITARY CLERKS EMPLOYED IN THE MASTER-GENERAL OF THE ORDNANCE BRANCH.

54. **Mr. Bhuput Sing :** (a) Is it a fact that in the M. G. O. Branch of the Army Headquarters a technical military clerk, drawing pay at Rs. 600 per mensem, is employed as a general telephone clerk ? If so, why ?

(b) Are Government prepared to institute an inquiry to see whether in the M. G. O. Branch, technical military clerks drawing high pay are employed on purely routine non-technical duties ? If not, why not ?

(c) Will Government please state the duties of M. G. 5 in the M. G. O. Branch, and the total *monthly bill* including officers' salaries, for running this Section ?

**Lieut.-Colonel A. F. R. Lumby :** (a) I am afraid the Honourable Member has again been misinformed regarding this Branch of Army Headquarters.

(b) No, Sir. No technical military clerk is employed in the M. G. O. Branch on purely routine non-technical duties.

(c) A statement is attached showing the duties of Section M. G. 5. The total monthly cost, including officers' salaries for running that Section, is approximately Rs. 6,000.

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*Statement showing details of duties of M. G.-5 in the M. G. O. Branch, referred to in part (c) of unstarred question No. 54 in the Legislative Assembly.*

#### Section M. G.-5.

##### *Details of duties.*

- (1) Questions of general policy affecting more than one directorate of the Master-General of the Ordnance Branch and Co-ordination between branches and directorates.
- (2) Representation of the Master-General of the Ordnance Branch on Army Headquarters. Exercises, so far as staff work is concerned and on Committees dealing with the branch as a whole.
- (3) Co-ordination of replies to Legislative Assembly and Council questions affecting policy in the Master-General of the Ordnance Branch.
- (4) Distribution of information from other branches of Army Headquarters.
- (5) Matters affecting the branch at Principal Staff Officers, Military Council and Mobilization Committee Meetings.
- (6) (a) Calculation of war wastages and fixation of peace holdings of Ordnance stores and clothing, and in the case of Lethal stores and ammunition submission of these calculations to the Mobilization Committee and Principal Staff Officers, where necessary.
- (b) Responsibility for representing to the General Staff, Mobilization Committee or Principal Staff Officers the Branch requirements in money to make good shortages in peace holdings for mobilization, and for expending funds allotted accordingly.
- (c) Notification to Ordnance factories of output required from them in war. Co-ordination of arrangements for supply from other sources of requirements which cannot be met by the Ordnance factories. This includes the preparation and distribution to all concerned of standing war indents for Home, India Store Department (India), Ordnance Factory and trade items.
- (7) Maintenance of the Branch War Books.
- (8) Distribution and Annual return of Secret documents.

- (9) Based upon information from Director of Ordnance Services, Director of Ordnance Factories and Director of Contracts maintenance of "form at a glance" statements showing the position as regards meeting the ordnance requirements of the Army in the case of New Demands or special purchases for other Branches and in time or war of items of vital importance.
- (10) Preparation of weekly reports for His Excellency the Commander-in-Chief and other branches of important letters and important decisions during the week.
- (11) Co-ordination of new demands for the Branch.
- (12) Arranging Master-General of the Ordnance's tours (excluding matters connected with Travelling Allowances, etc.) and action on tour notes.

**IMPORTATION OF SUPPLIES OF ARMS AND AMMUNITION BY LICENSED DEALERS  
FROM ONE PLACE TO ANOTHER.**

**55. Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that licensed dealers in arms and ammunition, who keep for sale their stock of Arms and Ammunition, are *not* allowed to import their supplies from one place to another without an export license which is only granted on payment of Rs. 10 ?

(b) Is it a fact that Shikari license holders in British India are allowed to get their supplies from other stations in British India without an export license or payment of any fee ?

(c) If replies to the above questions be in the affirmative, are Government prepared to consider the advisability to apply one and the same principle in both the cases ?

**The Honourable Sir Henry Craik :** (a) It is presumed that the Honourable Member is referring to the transport of stocks of arms and ammunition by licensed dealers from one place in British India to another. Such transactions have to be covered by a transport license the cost of which is Rs. 10.

(b) A private licensee can obtain arms and ammunition in reasonable quantities for his personal use from any place in British India without taking out a transport license.

(c) No. The two transactions are different in nature. The licensed dealer transports stocks of arms and ammunition usually in bulk, for the purpose of sale for profit : the private licensee obtains supplies in small quantities for his own use.

**SHORT NOTICE QUESTIONS AND ANSWERS.**

**MOVEMENTS AND WHEREABOUTS OF MR. R. N. CHAWLA, INDIAN AVIATOR.**

**Mr. S. G. Jog :** (a) Are Government aware that Mr. R. N. Chawla, aviator of great fame, left India for a world flight ?

(b) Are Government aware that his recent movements and whereabouts are not known ?

(c) Are Government aware that the whole of India is anxious to know of his whereabouts ?

(d) Do Government propose to make prompt inquiries about his whereabouts and inform this House and the public about his whereabouts,  
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and henceforth to keep the public in touch with his movements from time to time ?

**The Honourable Sir Frank Noyce :** The statement which has appeared in the Press this morning, to the effect that Mr. Chawla arrived in London on August the 5th, renders a detailed reply unnecessary, but I wish to take this opportunity of stating that the anxiety which was expressed on Mr. Chawla's behalf was quite unnecessary.

Government made enquiries of the other Governments on the route and ascertained that Mr. Chawla left Alexandria on the 30th July, having failed to notify any authority that he had changed his original plan to fly *via* Cairo. Mr. Chawla has just flown over a well-organised air route, which has been flown by hundreds of similar small aircraft during the last seven years and most of which is traversed by pilots of the regular air services almost every day. The route is equipped with wireless stations and it is not possible for an aeroplane to disappear or to remain out of touch with civilisation without the aviation authorities and the Press in the locality being aware of the fact. Had there been any necessity, the aviation authorities concerned would have communicated with the Government of India.

It will be understood that Mr. Chawla's movements hardly arouse the same interest outside India, as they do in this country. Consequently, his failure to inform any one, until six days after his arrival in London, has caused a great deal of unnecessary trouble to the administrations of several countries on the England-India route.

#### RELEASE OF PANDIT JAWAHAR LAL NEHRU.

**Mr. Gaya Prasad Singh :** Do Government propose to take any step to release Pandit Jawahar Lal Nehru, in view of the serious illness of his wife, Mrs. Kamla Nehru, about which I have received the following telegram, dated the 10th August, 1934, from Dr. Atal, Anand Bhawan, Allahabad, which I am forwarding in original to the Honourable the Home Member :

" I have sent the following wires to the Home Member United Provinces Government and Home Member Government of India (stop) I was sent for from Lucknow where I ordinarily practise to treat Mrs. Kamla Nehru who is wife to Pandit Jawahar Lal Nehru, and is also related to me (stop) Local Doctor Jairaj Behari and I am clearly of opinion that owing to complications her illness which is of pleurisy has already become serious. I am wiring to inform you so that you may take whatever action you may deem fit and proper under the circumstances (stop) Further she had severe coughing bout yesterday and heart attack today which assumed alarming aspect (stop) As her husband is political prisoner I have considered it my duty to inform you. My colleague Doctor Jairaj Behari agrees with me. "

**The Honourable Sir Henry Craik :** The question is really one for the Local Government to decide, but the Government of India are in communication with the United Provinces Government on the subject. The Local Government's answer is still awaited, but, by the courtesy of the Simla representatives of the Associated Press, I am in a position to inform the House that the Associated Press, Allahabad, was informed late last night by the District Magistrate of Allahabad, that Pandit Jawahar Lal Nehru had been released temporarily on account of his wife's

illness. (Applause.) It appears that Pandit Jawahar Lal Nehru arrived at Allahabad last night, and went to the house in which his wife is lying.

**Mr. S. G. Jog :** May I know whether his release is temporary ?

**The Honourable Sir Henry Craik :** Yes, temporary.

## THE INDIAN IRON AND STEEL DUTIES BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Joseph Bore** (Member for Commerce and Railways) : Sir, I beg to present the Report of the Select Committee on the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel.

## THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by the Honourable Sir Henry Craik on the 7th August, 1934 :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

The Chair takes it that all Honourable Members have now been supplied with copies of the Assam Criminal Law Amendment Act. (*Voices : “ Yes.”*) In order to avoid the kind of difficulty that has been experienced by Honourable Members in the past, the Chair has arranged, in consultation with the Legislative Department, that in future, whenever there is a Bill to amend or supplement a local Act, the Legislative Department will supply to the Assembly Department a copy of the original local Act, which will be printed and supplied as an annexure to the Bill before the House. (Applause.)

**Mr. T. R. Phookun** (Assam Valley : Non-Muhammadan) : Sir, I rise to oppose the motion. In doing so, I have no intention of inflicting a speech on you at this fag end of my legislative career.

**Some Honourable Members :** No, no.

**Mr. T. R. Phookun :** I oppose the Bill on two grounds. In the first place, it is against the spirit of law and sense of justice. My second ground is that it is absolutely unnecessary, having regard to the facts that are mentioned. Sir, my Honourable friend, Sir Syed Saadulla, has trotted out the familiar argument that is generally done in introducing repressive measures of this kind. “ In the public interest ”—that is the reason put forward, not in the interest of the Government, nor it is merely the intention of the Government—but they say “ in the public interest ”. He said further : “ I cannot divulge either the quantum or the quality of the evidence which was placed before us ”, that has always been the Government excuse. Now, Sir, however clever a judge might be, and however efficient an officer may be, or whatever his position might be, it is almost impossible for them to distinguish between fabricated and genuine evidence unless it is carefully



[Mr. T. R. Phookun.]

tested by clever cross-examination. The Honourable the Home Member was visibly perturbed when he controverted the truth of the statement made by my Honourable friend, Mr. Neogy, regarding the affairs of the Dacca riots. May I ask why he could not calmly accept the evidence tendered by such an honourable gentlemen as Mr. Neogy? I suppose he found it very difficult to accept it unless it was tested by cross-examination, and he must have considered that this is not the right place either to proceed to test it or that he was not personally very competent to do so. Why could not the Honourable the Home Member accept the challenge which had been thrown and which was thrown to publish the Nelson report? There, again, I presume, he thought that there were certain materials which, if tested by cross-examination, will not stand and there might be other evidence which, when tested, will go to support the statement made by my Honourable friend. In these circumstances, it is always unfair to the person to presume that there is sufficient evidence for detention where we are not competent to judge it without cross-examination. Two judges or high officials are unable to distinguish between fabricated evidence and genuine evidence, unless tested. It offends the very principle of law and sense of justice that a man should be imprisoned, detained for all times on the evidence that is tendered and which is not tested. If you have sufficient evidence, if you are absolutely convinced of the nature and the quality of the evidence, why cannot you place it before a judge? You say you cannot do it in the public interest.

**Khan Bahadur Mian Abdul Aziz** (Punjab : Nominated Official) : It is done because of the safety of the witnesses. So many witnesses have been done to death.

**Several Honourable Members** : How many?

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Will the Honourable gentleman please read the Act before he says anything? It is provided in the Assam Criminal Law Amendment Act itself that the witnesses may be protected by taking the evidence *in camera*. Please read the Act before you criticise others.

**Khan Bahadur Mian Abdul Aziz** : I was not referring to that. I was only answering the question about the disclosing of the names of witnesses and why those people were not brought forward. I give only one instance. In one day a released Babbar Akali convict shot eight people within a few minutes including three who had given evidence against him. This was after his release.

**Mr. T. R. Phookun** : May I tell my Honourable friend that evidence is tendered times without number before Special Tribunals, and, I ask, in how many cases accidents or incidents like the one he has described have happened? Very few. If Government cannot disclose the evidence, there is bound to be honest suspicion in the minds of the people. You do not want to give out the evidence, because you find that it will not be sufficient and that it will not be enough to secure a conviction. Clever lawyers might dissect it and tear it into pieces. I concede it may not be so. It may be that the evidence is true, but until it is tested, we lawyers are bound to look upon it with suspicion and that is possibly the reason why High Court judges have refused to have anything to do with giving a verdict.

on untested evidence. Sir, it is not a question whether the Habeas Corpus Act or the jurisdiction of the High Court can be curtailed. Certainly, it is within the competency of this House to do so. It has been done in this country. It has been done elsewhere, but my question is,—is it right, is it necessary, to curtail the power, because there have been a few dacoities? I think it is a bad principle. It makes the people suspicious, and the suspicion leads to mischievous acts. This practice is not followed in many countries. It is only in India that this practice has been generally adopted. We are told that, if you disclose the name of the witness, the accused will come and shoot him. There have been one or two instances of this kind in India, and that has happened not only in India, but elsewhere also, but that does not justify a general action of this nature which I consider to be very very repressive in its nature. To detain a man for any length of time without any trial whatsoever, is very offensive to the general sense of justice. Sir, I take it that there is a provision for *camera* trial in the Assam Act also. Why is that not availed of in which case the witnesses will be safe?

Sir, coming to the facts, I may say that, so far as my part of the country is concerned, in regard to political agitation, we have been worse than school boys—not even gone to the extent of frightening anybody who has dared to differ from us in their views (showing a toy pistol) even by a show of this tiny little thing which is sold in the market. This is a thing which I picked up here somewhere. I have not even heard a cracker drawn across the table even during the Christmas week to frighten a nervous Government official, and yet Government have thought it fit that we should be repressed by this repressive measure. Well, Sir, I thought always that it is best to allow sleeping dogs lie, lest exaggerated and enthusiastic feelings lead to disastrous results. I shall try to illustrate it by a common story which is current in Assam. There was a party, consisting of men, women and children, who were crossing the Brahmaputra in a rather small-sized craft. In the company and on that boat was a man who was slightly demented. When everything was going on smoothly, when he was quite happy in his own meditation, a garrulous old lady, unable to resist the temptation of talking, addressed that man and said,—“My dear man, I hope you will not over-turn the boat”. On that the man said,—“Well reminded, my lady” and so saying he over-turned the boat. (Laughter.) So over-enthusiasm does not always lead to the expected results. I think that Government might have waited before they produced this piece of repressive legislation. Now, if you say, “well, so far as your part of the country is concerned, it is all right, but what about the other part of Assam, that is, Sylhet, where my Honourable friend, Mr. Abdul Matin Chowdhury, hails from”—no aspersion on him though Government do insinuate that “we cannot divide the Province into two parts and make one law for one part and another for another part”. That means—“give the dog a bad name and hang him”. So far as we are concerned, if you really think that things are so dangerous in these other parts, why not separate those parts that lie contiguous to Bengal? Bengal, I take it, will then be very much pleased to have them. (Hear, hear.) Why not do that? Some people from Sylhet, who had been very anxious at one time for their being joined to Bengal, have now realised that they are better off in Assam than they might be in Bengal! (Laughter.) They are I daresay, by culture, more allied to Bengal and would be better placed there.

[Mr. T. R. Phookun.]

I think we have given very little trouble to the Government so far, but I sometimes begin to feel that perhaps if we gave them as much trouble as Bengal did, we might have got what we wanted,—anyhow that is the spirit which sometimes comes to me, because we have mostly behaved like quiet school children so far and that we will be given good conduct prizes. Sir, I am one of those Congressmen who have always been against any violence and this has been the case with my valley people generally, yet — because the Congress in Bengal was declared illegal, the Assam Government extended the courtesy to Assam also, inspite of the fact that there was no violence whatsoever there. Coming to the merits of the case, what are the facts? There were a few dacoities, and that is all. But, Sir, I do not know how these dacoities can be called political. The reason insinuated is that they are committed by the *Bhadralog* class. Now, how are they connected with the *Bhadralog* classes? Oh, because the dacoits were dressed in “clean clothes, they must be *Bhadralogs*”, as if dacoits could not use clean clothes to pass themselves off as *Bhadralogs* and, as if some members of the *Bhadralog* classes could not commit such offences under the stress of economic depression or through criminal intention or through criminal tendencies. I find no good reason why such dacoities should be labelled as “political”. What is more, Government call these political dacoities because they are committed with the help of revolvers and other dangerous weapons! Sir, I think, it is a sign of civilization in all countries to commit dacoities with guns and revolvers, and, where dacoities are perpetrated, they usually do use offensive and defensive weapons,—and they will unfortunately not be deterred by the fact that people sleep with revolvers under their pillows, or adopt repressive measures. Sir, wherever there is a dacoity, there is bound to be violence; otherwise it will surely be called a “theft”, and so the mere fact of the use of a revolver or a spear or some other dangerous weapon in the commission of a dacoity would not *ipso facto* make that a “political” offence. There is nothing I find in the Assam Provincial Council debates to show that there have been any political dacoities. If that is so, the ordinary law should be quite enough to tackle the ordinary dacoity cases just as they were done in other parts of India and elsewhere. Why should you consider such offences to be invariably political offences necessitating the bringing in of such a drastic measure as this?

My friend, the Honourable the Home Member, might say, “well, my friend, if you do not want the Bill, you lose the right of appeal; we are giving that to you”. To that I say, “the sting of the scorpion is always in the tail” and that does not make the insect any the less dangerous. While you are giving that right of appeal, which we think you ought to, you are also introducing another clause which deprives us of a fundamental right, and, therefore, Sir, I am bound to oppose it, otherwise I certainly would have welcomed the first portion where you give a right which you ought to do in the ordinary course. Sir, I say the non-official view has been entirely against this measure. There have been, Sir, a few dacoities, that is all, and no wonder, they have only recently unhappily started in these times of economic stress, but there is no reason why they should all be dubbed as “political” crimes. Reference is made to “subversive movements”. Such dacoities do not lead to subversion of the Government— for bombs were not used, not an official was attacked, nothing very outrageous was committed. They are, to my mind, mere dacoities for per-

sional gain. Sir, these dacoities are enumerated within the space of a mere paragraph. On page 2 of the Assam proceedings, it is said :

“ Since 1931, a *regular series* ”—*not a series merely*—“ of crimes perpetrated by a party of terrorists have disfigured the fair name of the Province, and since that year, the number of guns stolen have reached very high limits ”—

With these guns, they have not, it would appear, shot anybody *who was against the Government*—they have simply committed dacoities with them—how do you then call all these political dacoities ?

“ Then, in January, 1931, there was a mail robbery or a dacoity in which Rs. 3,420 were stolen.”

Now, it alarms the Government that such an amount of money is collected ! That this money must have been,—thanks to the unselfishness of these dacoits and the lack of any motive of personal gain,—must have been utilized for the country's cause, that it must be utilized for the purposes of some Association having subversive movements as their objects ! Sir, these are the all too easy conclusions drawn from the mere fact that there have been a few dacoities.

**An Honourable Member :** Who was speaking on behalf of Government ?

**Mr. T. R. Phookun :** Sir Muhammad Asaadullah, the Judicial and Home Member of Government.

Then, in 1932, four masked men entered the mail van of a passenger train of the Assam Bengal Railway, they over-powered the attendant with daggers and iron bars and looted all the mail bags.

Sir, these are all the instances—these are the three or four dacoities, in which the largest amount stolen was Rs. 3,000 odd !

I say, Sir, there is not the least justification for this measure on such grounds merely. If there had been any iota of evidence to connect these dacoities with political or subversive movements or such-like purposes, that would have been mentioned. We do not find anything here ; there was just this much in the general discussion to show that there were a few dacoities, and the fair name of Assam was being tarnished, and, therefore, there was urgent necessity for bringing in this measure—I suppose that will enhance the fair name of the Assam Government. The Bengal Government have done it, and, therefore, Assam must be saved by the introduction of such a measure to save her fair name ! What logic ! By its introduction, I take it, Government expect that all dacoities will cease. I am afraid that is expecting too much. Sir, as promised, I would not detain the House for long. Sir, the argument that would possibly be adduced for suspending the writ of Habeas Corpus is that it is not possible for them to disclose the names, because they are afraid that the witnesses may be murdered. Government will assure the House that the evidence before them had been carefully sifted and that they were convinced that the case was a true one, but they cannot let you see it. As an evidence of good faith, my friend, Mr. Neogy, suggested that the Law Member, who is a Government Member and who cannot be suspected by Government, might be deputed. But, I suppose the Government's idea is that after all he is an Indian, and if you scratch him a little deeper, you would find him to be a nationalist. The Law Member may be competent enough to give legal opinion, but in judging his countrymen he may not be trusted to that extent. So, Sir, even he is not trusted by Government.

[Mr. T. R. Phookun.]

Sir, we suggested the name of a person with a big reputation and whose legal intelligence cannot be challenged and who might have been able to find out the truth even without cross-examination, but our suggestion has not been accepted. Of course, we are out of the question. It would have given us some satisfaction if our suggestion had been accepted and, instead of giving it to the official Sessions Judges, it might have been given to a lawyer. Sir, a judge may or may not be a lawyer, but a lawyer who is independent in his views would certainly be able to scrutinize and sift the evidence better. Therefore, our suspicions will continue to remain there as long as you do not do away with this practice.

I, therefore, on behalf of my country and on my own behalf, oppose this Bill which is repressive in its nature and which is against the principles of law and justice. I am sure, my Honourable friends will extend their sympathy to Assam and discuss this measure. I would have continued for a little longer more, but I know that Government are in no mood to listen to friends. I, therefore, consider it an absolute waste of time and energy to try and convince the Government, or the gentlemen who have subscribed to the principle of the Government of terrorising the people lest they should become terrorists. (Non-Official Applause.)

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, it was somewhat touching to hear the Honourable the Home Member's concern, which he expressed on Tuesday last, for the right of appeal of people who have already been convicted by Special Tribunals of heinous offences. His attitude on that occasion was in strange contrast to that which he displayed on the previous day, that is to say, on Monday, when he asked this House to pass a measure perpetuating a system of banishment for people who are incarcerated on the merest suspicion and who are not given a proper chance of having their say before a properly constituted Tribunal or Committee. In the present instance, the House must remember that we are dealing with the right of appeal of persons who have been convicted of heinous offences mentioned in the Schedule to the main Act, and in the other case we were dealing merely with suspects. I do not know on what grounds my Honourable friend is going to justify the disparity in his interest as between these two classes of people. They have set up Special Tribunals consisting of three judicial officers, who are very competent, I take it, from the Government point of view.

I am not going to criticise the constitution of the Special Tribunals, though I remember the somewhat irreverent language that was used for the purpose of describing them in the Bengal Legislative Council by a very prominent Muslim Member not very long ago. I am not prepared to discriminate in this manner between these two classes of people, the first class being of persons who are merely suspected of complicity in the terrorist movement, and the other class consisting of people who have been convicted by a very competent body of Commissioners and convicted of definite overt acts in furtherance of their policy of terrorism. Now, Sir, judging from the practical point of view, again, is this right of appeal a very valued one? I do not know whether there have been many cases yet in Assam under the new law, but if our experience of what has taken place in Bengal is of any use to us, I can tell this House that if any judicial Court were to pronounce a verdict of "not guilty" in favour of a person accused of a terrorist crime, he would almost invariably be pounced upon on his acquittal by the police and incarcerated for an

indefinite period of time. Perhaps my Honourable friend is in a position to give this House the number of cases in which people who have been acquitted after proper trial, either before Special Commissioners or before other Courts of justice in Bengal, during the last few years, have not been dealt with under what they call the preventive sections of the law and detained for an indefinite period as suspects? Now, Sir, I do not know whether, while providing this right of appeal for the benefit of the accused persons, who have already had a regular trial before a body of Special Commissioners, we are doing any good to them, because, if they are convicted and sentenced, the sentence, unless it is a capital sentence, is to run up to a particular point of time and the persons against whom the sentence is pronounced know that they will be in the jail for a definite period of time and that they can look forward to their liberty after that period is over. But supposing any such person succeeds in appeal, and that, I take it, is the main reason or justification for providing an appeal in such cases, that is to say, we want to give the best chance to the accused person, supposing he is in a position to get an acquittal from the appellate Court, which is the High Court in this particular case, can my Honourable friend give us a guarantee that a person so acquitted on appeal shall be allowed to enjoy his liberty? I do not know whether, so far, anybody has at all been acquitted on appeal by the High Courts, but it has become almost the rule rather than the exception to immediately arrest a man on his acquittal and then spirit him away for an indefinite length of time. It was only the other day, three or four days ago, that we were reading in the newspapers that a particular man had been acquitted by a body of Special Commissioners in Bengal, and that, immediately after his acquittal, he was re-arrested under the so-called preventive provisions of the Criminal Law Amendment Act.

Now, Sir, I had the opportunity of having a talk with a judicial officer who has since retired. He said that never before in his life did he feel so humiliated as he did when, on a particular occasion, after he had acquitted a person, implicated in a terrorist crime, he was re-arrested to be spirited away for an indefinite length of time. That is the way in which the Honourable Member's Government and the Provincial Governments have been undermining the people's respect for the British judicial system which had so far acted as the bulwark of the British Government in this country. Now, Sir, I want to save the High Court from this humiliation. It is enough that the subordinate judiciary has to suffer this humiliation, and I should do nothing, if I could help it, to put the High Court to the same humiliating conditions to which the Government are almost everyday subjecting the subordinate judiciary in this matter. I want to raise another point. Are we so very sure of the independence of the High Court itself in regard to political cases? I speak with great trepidation in this matter when I refer to the Calcutta High Court, but I have the definite authority of my Honourable friends, Mr. Mitra, Mr. S. C. Sen and Pandit Sen, who are all present here, to say that since Sir Lawrence Jenkins left the Calcutta High Court, it does not enjoy the same amount of public confidence, at least in political cases, as it did before. (Hear, hear.) Now, Sir, I am further reinforced in this particular point by the discussions which I saw in the proceedings of the Bengal Legislative Council when an eminent lawyer of the name of Mr. N. K. Basu—the President of the Bar Association—questioned the independence of the High Court as at present constituted. I notice my Honourable friend,

[Mr. K. C. Neogy.]

the Home Member, taking very diligent notes of this particular point (Laughter), and I am going immediately to ask him his assistance in understanding a very significant speech which was made by Sir Shadi Lal on the day he retired from the Bench of the Lahore High Court, and I am going to quote a few sentences from that speech, and I should like my Honourable friend, the Home Member, to assist me in understanding the real import of that speech. I think the Honourable the Home Member is the best qualified man to do that because of his long association with the Punjab. Here I may assure the House that what I am going to read out was not stated by Sir Shadi Lal on an after-dinner occasion. It was not the post-prandial kind of pleasantry which is sometimes uttered under spirituous influence. This was a very serious occasion. The Honourable the Chief Justice was retiring on that very day after a very meritorious career as the Chief Justice of the Lahore High Court, and all the Judges were assembled in the Court Room and all the members of the Bar were assembled there. It was in reply to the addresses that were presented to him on that occasion that he made this speech, and I am assured that he spoke from written notes.

**The Honourable Sir Henry Craik** (Home Member) : What was the date ?

**Mr. K. C. Neogy** : I am reading from a newspaper, dated 9th May, 1934, probably the speech was made on 7th May. It was a long speech, and I do not want to trouble the House with the whole of it, but I shall refer only to certain portions. Sir Shadi Lal referred to certain statements made by Sir John Simon with reference to a political case in England where Sir John Simon stated that that case afforded an illustration of the liberty enjoyed by the British people. Then, Sir John Simon goes on to say :

“ Here was a man ”

—all this is taken from the speech of Sir Shadi Lal,—

“ Here was a man who had been sentenced and who was opposed to the whole system of the Government of his country, but who, none the less had a perfect right to resort to the ordinary courts of the land against a high official whose subordinate had made what in my view was only a mistake without malicious intent : and yet, without question, the law of England, which is administered impartially for everybody, awards him a compensation in exactly the same way as though he was a favoured member of society.”

This was what Sir John Simon stated, and after giving this quotation, this is how Sir Shadi Lal proceeded :

“ Would it be improper to ask what would be thought of a Judge in India who, imbed with the traditions of British justice, acted in a similar manner ? Would he not, thereby,”

—I want my Honourable friend's particular attention to this,—

“ Would he not, thereby, subject himself to disfavour, and even resentment, which would be manifested in no uncertain manner ? These and other disadvantages have sometimes to be borne *sub silentio* by a person who is true to the oath which he solemnly takes on accepting the office of His Majesty's Judge.”

Shall I repeat the last sentence again for the benefit of my Honourable friend ?

“ These and other disadvantages have sometimes to be borne *sub silentio* by a person, who is true to the oath which he solemnly takes on accepting the office of His Majesty's Judge.”

Then, he proceeds :

“ He has to follow the doctrines of the British Justice embodied in the memorandum which was prepared about two years ago by the Judges of His Majesty's Supreme Court of Judicature in England. The Judges ‘ occupy ’, states the memorandum, ”

—This is a quotation from the memorandum—

“ a vital place in the constitution of this country. They stand equally between the Crown and the Executive, and between the Executive and the subject. They have to discharge the gravest and most responsible duties. It has for two centuries been considered essential that their security and independence should be maintained inviolate. It was long ago said that there can be no true liberty in a country where the Judges are not entirely independent of the Government and the soundness of the remark has never been questioned.”

Here ends the quotation from the memorandum of the Judges of the Supreme Court in England. Now, Sir Shadi Lal proceeds as follows :

“ This is an authoritative pronouncement to which no reasonable person can take any exception. It is, however, said, ”

—I do not know by whom,—

“ that these doctrines of the English constitution cannot find full scope in this country where there are peculiar circumstances which tend to impair the independence of the Judiciary. On principle I am unable to see any valid ground for making such distinction, and I trust that no Judge of this Court will ever depart, in the slightest degree, from the solemn promise which he makes before entering upon the execution of the duties of his office, even if he is subjected to personal disadvantages.”

I do not want to give any further quotation from his speech, but if my Honourable friend wants the full text, I am prepared to send it across the floor of the House. What interpretation are we to put upon some of the significant passages of this speech ? That is what I want my Honourable friend to tell this House. Now, Sir, as to what interpretation responsible opinion in the country places upon the speech would appear indirectly from the fact that at the very next Session of the Punjab Legislative Council, which was held on the 27th June, 1934, in this very Chamber, a friendly Non-Official Member, I should not like to name him, was asked to put some kind of what we call leading questions, and this is his first question :

“ Will the Honourable Member for Finance, ”

—I do not know what concern this question has with Finance, however,—

“ Will the Honourable Member for Finance please state whether Government are aware that on 7th May, 1934, Sir Shadi Lal, lately Chief Justice of the Lahore High Court had in reply to the addresses of farewell presented to him on behalf of the Bench and the Bar mentioned certain difficulties of the Judges ? ”

Answer—“ The reply is in the affirmative.”

Then followed some more questions as to whether these allegations were true, and things like that. I need not trouble the House by going into these questions; and the answers, as expected and perhaps as arranged, were in the negative ; that is, that there was no such interference so far as the Government of the Punjab were concerned.

Now, Sir, that is not the way to dispose of such a matter,—it is not such a simple thing. Here was a man who had been chosen very deliberately to occupy the very responsible position of the Chief Justice, and he was the first Indian to be chosen for a permanent appointment of Chief Justice. And there is no doubt about it that so long as he was on



[Mr. K. C. Neogy.]

the Bench, Sir Shadi Lal did the fullest justice to the confidence that was placed in him. And it was after the completion of his term of office when he was chosen to occupy a far more responsible position, that of one of His Majesty's Privy Councillors, that he made those statements. It will not do for my Honourable friend to get up and say, "Well, these are malicious lies; these are wicked lies". I think my Honourable friend's parliamentary training tells him that these expressions are to be used, and can be used with impunity, only with reference to Non-Official Members, and I daresay he is not going to use such language with reference to Sir Shadi Lal. I should very much like to know from him what interpretation he is going to put upon it. The country at large has put one definite interpretation, and that is that you cannot definitely say today that in regard to political cases the High Court enjoys the same kind of independence perhaps as in tuppenny-hapenny matters of civil litigation or other cases of a similar character. Sir, as for all these various reasons I do not consider the right of appeal to be a valued right, I am not prepared to support such a measure.

**Mr. Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, like my Honourable friend, Mr. Phookun, I am also opposed to this motion. Generally speaking, I should be inclined to give my support to any measure that Government may choose to bring forward to combat terrorism in this country. But I am opposed to this measure, particularly because I think that circumstances in Assam did not justify the passing of that Assam Criminal Law Amendment Act, nor does it justify the passing of this measure which is before us today. Assam, Sir, is more or less a very peaceful Province. Unlike Bengal, our Province is not saturated with terrorism. I think Government themselves will admit that, in the whole of the Assam Valley Division from which my Honourable friend, Mr. Phookun, comes, the entire population, both Hindus and Muslims, have scrupulously kept away from participating in the terrorist movement. Mr. Phookun says that they have been behaving like schoolboys, and the implication probably is that people from my part of the country, Sylhet, are not behaving as they are expected to behave. Sir, these Assam Valley districts comprise six out of the eight plains districts of Assam, and all the hill districts are absolutely immune from all traces of terrorism. I admit that it is only my own district of Sylhet where the terrorists have been able to secure a few recruits. But for dealing with this handful of young men to bring in a measure like this one, trenching upon the personal liberties and rights of the entire population of the Province is absolutely unwarranted. It is like bringing a Nasmyth hammer to crush a fly. The enactment of extraordinary measures like the present one presupposes conditions which are absolutely absent from Assam. You can justify extraordinary measures on the ground that the situation is abnormal, but I maintain, Sir, that the situation in Assam is practically normal. Unlike the Province of Bengal where the district officials like the District Magistrate and the District Superintendent of Police and other officials live in constant danger of their lives, do not usually stir out unless accompanied by armed guards and whose bungalows are guarded like castles, in our Province the officials live a fairly tranquil life. No route march by the military is necessary in our Province, no vigilance committee is necessary in our province. It is only, as I said, my own district of Sylhet

where they have been able to secure a few recruits. But, that extraordinary precaution, which is necessary to be observed in Bengal for the safety of the officials, is not necessary to be observed even in that district. I will give you one or two very simple instances. Last time when I was at home, the District Magistrate of Sylhet came to our village to preside over a prize distribution ceremony. He travelled by road unaccompanied even by a *chaprasi*, in broad daylight, without the least fear of molestation ; and he is doing it every day of his life. Then on another occasion, there was a tornado in the town of Sylhet. The District Magistrate went out at night making inquiries from house to house as to what damage had been done by the tornado. That only shows that our normal life is absolutely unaffected by the acts of terrorism by a handful of young terrorists. I do not deny that there have been cases of political dacoity in our district. But may I ask, which Province in India is free from these isolated acts of violence by these terrorists ?

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris : Muhammadan) : Madras.

**Mr. Abdul Matin Chaudhury** : My friend, Mr. Uppi Saheb, says, Madras. I think, very recently a political dacoity was committed at Ooty looting a bank there ; and in Rajahmundry, if I am not absolutely mistaken, there have been cases like that.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : There is no political dacoity in Orissa.

**Mr. Abdul Matin Chaudhury** : As regards Bihar and Orissa,—I speak subject to correction,—my own impression is that more political dacoities have been committed there than in the Province of Assam.

**Mr. B. Das** : Not in Orissa.

**Mr. Abdul Matin Chaudhury** : Then, again,—I speak subject to correction,—I think the towns of Benares and Cawnpore harbour more political revolutionaries than the entire Province of Assam. And even in the Province of Bombay, we have had outrages at Poona, and bombs were discovered in Bombay City itself. So if in all those Provinces these extraordinary measures were not necessary, why should you single out Assam in particular ? In our Province, Sir, as I said, we are a very peaceful and law-abiding population except that there have been a few cases of stray dacoities here and there. Our support to this motion will amount to the admission that the position in our district is quite as bad as they are in Bengal. We are not prepared to make that admission and I oppose this motion.

**Sardar Sant Singh** (West Punjab : Sikh) : Sir, the only justification for such a piece of legislation is the existence of the terrorist movement in some parts of India. It has been admitted on the floor of this House that this movement has now been in existence for the last 30 years. During this long period various powers have been asked for and granted to the executive to put down this movement ; but the history of the legislation shows that the more the repressive powers, the more has this movement flourished under this repression. It was probably due to this fact that Sir Harry Haig in his last speech on the Bengal Criminal Law Amendment Supplementary (Extending) Bill said :

“ I wonder if we remember that this conspiracy has been going on for nearly 30 years. Each time, when the conspiracy has been brought under control, the

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powers have been surrendered and the organisation has started working again. It is easy to be wise after the event, but looking back it may seem that this has been a fundamental mistake in the policy of Government in the past, a mistake into which they have been led by precisely those arguments of optimism and confining our action to the very minimum required, which we shall no doubt hear in this debate. I have said it is easy to be wise after the event, and therefore, a heavy responsibility rests on those who, even after the event, refuse to be wise, who misunderstand and reject the teachings of experience."

The policy laid down in this expression of opinion by the ex-Home Member is very clear, very definite and very precise. I wonder if the occupants of the Treasury Benches have realised the significance of this expression of opinion by an experienced Home Member like Sir Harry Haig. What does it teach? It has certain implications behind it, and the implications are that the Treasury Benches should not listen to the arguments of optimism which are advanced from this side, in order to modify their policy of putting down the terrorist movement by executive action. May I ask them, are they following this policy? Are they refusing to be wise after the event? If this policy of going midway between the rule of law and the rule of executive has failed in the past, why should they permit themselves to be persuaded to put forward a piece of legislation which is a wavering legislation, which leads to indecision of policy of the Government? I would rather suggest in my own humble way to the occupants of the Treasury Benches that they should follow the uncompromising attitude of Khan Bahadur Mian Abdul Aziz—I am afraid he is not in his seat just now—or Chaudhri Lal Chand, and put down the movement with a strong hand. We are familiar with these arguments. The happenings in mid-Europe today reinforce the arguments of the advocates of repression. History is repeating itself again. The democratic principle of equal opportunities for all under just laws no longer holds good there. The man in power today makes a short shrift of his opponents. What did the Czarist regime do? It put an end to all who were against the Government. The policy was "Either you are with us or against us : there is no middle way". I would advise the Government and I would offer them my full co-operation if they were to bring forward a decisive measure. If they think and if they consider in their wisdom—and the wisdom is always with the Government—that they can put down this movement by repression, then they should resort to unmitigated repression and repression alone : no palliative in the shape of appeals : no palliative in the shape of offering evidence before the Commissioners or before ordinary judges : no place for the Honourable the Law Member in this House : no place for the rule of law : no place for Legislative Councils or for legislative bodies. The Government should at once resort to putting down this terrorism by methods with which the executive was very familiar in the 15th and 16th centuries. The Government of India should revive some constitution similar to the Star Chamber Tribunal.....

**An Honourable Member :** That is going on.

**Sardar Sant Singh :** No, not yet. The Star Chamber is still a historical scandal. What I mean is this : if the Government really believe that this movement can be put down by these repressive methods, let them be clear about it. But if they, on the other hand, think that this policy has failed, that this policy did not succeed for thirty years, and that it is not likely to succeed now, then the logical way, the reasonable way, the rational way of looking at the problem is to examine the causes that gave

birth to this movement, to prescribe the remedies after carefully diagnosing the disease. The only method which has so far been successfully adopted in all civilised countries is the method of adopting the rule of just law.

The prevalence of the rule of law in the country will ensure the liberty of speech, liberty of action, within the bounds of law, and equal opportunities to rise for all people without distinction of caste, creed or colour. Once the younger generation is convinced of these conditions in the country, there will be no scope for terrorism, public opinion will abhor it, will not tolerate it, and the movement will automatically disappear. But if, on the other hand, the young men feel that the Government are not for the people, that the Government are not prepared to do justice between man and man, and that the administration is carried on on the principle of nepotism as is the case today with the Government of India, the suspicion grows resulting in discontent with the present state of affairs in the country, and the discontent grows with the result that resentment follows in its wake, and the resentment leads to all sorts of mad actions by the young men. You cannot do away with terrorism without radically changing the environments.

I will examine the provisions of the Assam Act now. All the respected principles of British criminal jurisprudence, on which the administration of law was based in India, have been dispensed with in this Assam Act. The Act has gone so far as to permit the Public Prosecutor to offer an open insult to the presiding judge of the Court. His Majesty's judge, when sitting in the Court, has so far been recognised to be the sole master of the Court room. He regulates the procedure, regulates the conduct of those who are in Court. But the Assam Act says that the Public Prosecutor may certify to the Court that the Court should be held *in camera*, and the judge is bound to follow the verdict of the Public Prosecutor, that is, that a judicial officer of His Majesty should be deprived of the control over his own Court and should be guided by the Public Prosecutor to exercise his discretion in a particular manner. Do we not lay here the foundation of suspicion against the judge himself, his impartiality and his independence? I hope the Honourable the Law Member will bear me out that it is not merely the doing of justice that matters, but it is obtaining the public sanction and public confidence that justice has been done: Unless the public is convinced that justice has been done, the mere doing of justice does not go to stabilise an administration. A terrorist may be a terrorist, a genuinely dangerous person; but if the public is not convinced of his guilt, certainly you cannot expect the public not to sympathise with him. The public only sympathises with the murderers and with the worst felons as long as they believe that justice is not done to them. All these Acts, wherein the judicial officer is deprived of power of controlling even his own Court, cannot lead to that confidence in the administration of justice which is so essential for the maintenance of peace and order in the country. Not only in this respect, Sir, that this Act violates the lifelong and time-honoured principles of English jurisprudence, but it goes further; it makes Dicey and other honoured jurists tremble in their graves, when this measure provides that the evidence recorded in the absence of an accused person can be used against him. I have never heard of such pernicious principles being placed before a self-respecting House to accord sanction to such principles by actually agreeing to the passage of that Bill. Certainly, I concede that in the Constitution, under which we are working, this House has no right to question the judgment of the Local

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Council that passed this Assam Act and that we are here merely required to supplement its provisions. The question under the circumstances is, should we or should we not supplement this Bill? It may be said, Sir, that the right of appeal is a valuable right and if we deny that right, we shall be denying a privilege to those for whom we are feeling some sympathy in their trial, though not in their actions. But what is this right of appeal? Evidence untested by cross-examination, untested by any of the methods known to jurists, is to be placed before the High Court. How can the Judge of the High Court decide or arrive at just conclusions on that kind of evidence? It is impossible. Therefore, Sir, this right of appeal may on paper seem to be a very valuable right, but really it is not such a right which any convict would like to have under the circumstances.

Then, Sir, it has been suggested that the names of witnesses are not to be disclosed because of the apprehension that the safety of their person will be in jeopardy. On the surface this seems to be a very plausible explanation. Of course, there may have been certain occasions on which witnesses were subjected to maltreatment for giving evidence in such cases, but have not such occasions been very rare? Do not such cases of maltreatment of witnesses occur in cases of non-political nature? I know of cases where witnesses were even murdered. But nobody ever suggested that the ordinary procedure should be changed....

**Mr. K. C. Neogy :** Your Babbar Akalis should have a special procedure, according to Mr. Aziz.

**Sardar Sant Singh :** My friend says that the Babbar Akalis should have a special procedure, there is no doubt about it that, if such legislation is going to be the order of the day, the Babbar Akalis, who are no longer to be found in the Punjab, would have it, if they make their appearance. But still the fact is there that the witnesses more often than not perjure themselves in Court. There are so many factions in the villages in India; nobody can deny it. From my knowledge of the conditions in the Punjab, I can say that there is no village there where there are not two factions at least, if not more. Sir, if evidence is not tested, if the identity of the witnesses is not to be disclosed, a witness can safely get his enemy into trouble. The question is, whether the safety of the witness is of paramount importance or the safety of the State is of paramount importance? Will it tend to the safety of the State to extend protection to the witnesses at the expense of the liberty of the citizen? The State will have to choose between the two. If the Government hold that the safety of the witness is more important than the safety of the State, certainly nobody can agree with such a proposition. There can be no two opinions that the safety of the State and its stability lies in the fact when every man feels that he is subject to an impartial law, that he possesses all the rights of a citizen in the State. Such a confidence in the people will tend more to the proper maintenance of law and order than a host of repressive measures. But when the State seeks to maintain order alone at the expense of law, when the State wants to ignore the law of the land entirely,—and I take the word 'law' to mean the law in its wider sense, I mean the law based upon certain fundamental principles of jurisprudence, and not the laws like the Assam Act or the Bengal Criminal Law Amendment Act, though these have seemingly the appearance of a law,—then the subjects gradually begin to lose all confidence in

such laws ; when confidence in law is lost, it is bound ultimately to upset order entirely. Therefore, Sir, the time has come when the Government in their wisdom should decide once for all whether they are for the rule of executive or the rule of law. There is no half-way house between the two. In India we are accustomed to this sort of legislation, which is neither here nor there, because some portion of a law is based upon English jurisprudence, while the other portion is based upon the Czarist jurisprudence, and we are asked to give our approval to a law which is made midway between the two. Both cannot work together. Therefore, if the Government want the rule of the executive,—it may be temporarily, it may be for some years,—I will co-operate with the Government and give them the powers they want, so that they may try their hand at that too. But if they do not want to be advocates of the rule of executive, then the best course would be to do away with the causes that have led to the keeping up of the terrorist movement for such a long period as 30 years. After all, 30 years is not a small period in the life of a nation,—it is a very long period, and yet the terrorist movement could not be put down with all your repressive laws. Therefore, I would urge that the time has come when the Government should once for all do away with the repressive laws and adopt the sane principle of the rule of law and try it for at least 10 years, and then decide whether the terrorist movement can be put down or not. With these few remarks, I oppose this legislation.

**Mr. W. L. Scott** (Assam : Nominated Official) : I should like, Sir, if I may, to place before the House a short account of the situation in Assam as it appears to an officer who has served there for the last 20 years. As to our position, Sir, I should like first to say a few words. Assam is a small Province, whose land frontiers march with Thibet, Burma and Bengal ; the Thibet frontier consist of high mountain ranges, and there are no roads connecting us with Burma ; so, for all practical purposes, we may say that the only Province which is in touch with Assam is the Province of Bengal. Our only railway starts from the Port of Chittagong, and from there it runs right through the Province. I was glad to observe that no attempt was made to deny the existence of Chittagong, or to deny that certain very unpleasant happenings have occurred there. And I wish to emphasise that the connection of Assam, especially of the districts of the Surma Valley, with Chittagong, is very close indeed. I will mention two points to show how closely connected we are. At the time of the attack made on the armoury at Chittagong in 1930, among the first armed forces which arrived on the spot were a detachment of Surma Valley Light Horse from Silchar and a detachment of Assam Rifles from Silchar. Those were the days when no regular troops were stationed in Bengal. On another occasion, during the Kuki troubles, in the Manipur State, in 1917, there was a raid made from the Manipur State across into the hills of North Cachar, and it appeared that some of the stations on the railway in that sub-division were threatened. The first troops to arrive on the spot in that case were a detachment of Assam Bengal Railway Volunteers from Chittagong. I mention these points merely as illustrating the very close connection which exists between Assam and some of the more disturbed districts of Bengal.

The existence of a terrorist party in Chittagong is admitted, and everybody knows that strenuous efforts are being made by the Bengal Government to bring that terrorist party under control. Our fear is, and it is no longer exactly a fear,

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it is almost a certainty, that the pressure which has been exerted on the terrorist party in Chittagong has driven the members of that party to take refuge in Sylhet. The result of this has been the beginning of various terrorist activities throughout the district of Sylhet. We have very definite information to that effect. Assam has been very patient in dealing with this terrorist movement. Although the Bengal Government passed their Criminal Law Amendment Act two years ago, no such action was taken in Assam. It was decided at the time that it was unnecessary for the time being. What was the result of that? Within the last year, we, first of all, were alarmed by an increasing number of gun thefts which occurred. Secondly, there were a series of dacoities committed generally on the mail trains or on mail lines. I cannot refer to all those, some of them are still under the consideration of the Courts.

**Mr. T. R. Phookun :** May I ask my Honourable friend to mention any case in which it has been proved that there is connection between the terrorists of Chittagong or of Bengal and those of Sylhet—any evidence to show that?

**Mr. W. L. Scott :** I am not in a position to give the details of the persons concerned in the dacoities that have taken place on the railway line by way of Chittagong. Some of the persons involved in those dacoities have been inhabitants of Tipperah. There was a dacoity at Itakhola station on the railway line and in pursuit of the dacoits the villagers turned out and followed the dacoits and one of them was shot. That case was tried under the ordinary law and the leading accused had to pay the final penalty. Among cases subsequent to this, which have now been disposed of, were an armed robbery committed on a mail runner near Habiganj. Two accused in that case have been convicted by the Special Tribunal and sentenced to six years' rigorous imprisonment. In fact, attacks on the mail lines in Sylhet became so frequent, and the situation grew so threatening for the post office, that there was a proposal to withdraw the right of insuring letters from various important places in the interior of Sylhet. That, of course, would have been a very serious interference with the course of trade.

Now, Sir, the Act has been passed by the Assam Council, but it has been extended only to two districts in the Province of Assam, Sylhet and Cachar. It has not been extended to any district in the Assam Valley Division. Mr. Phookun may continue to sleep quietly at night. (Laughter.) He is not likely at present to be troubled by any action under this Act. I would ask the House to consider that the Assam Act itself provides only for the provision of Special Tribunals, for the trial of cases which would otherwise drag on to abnormal lengths, and for the maintenance of control over persons against whom the Government do not wish to bring open evidence of their connection with terrorism. These provisions were made by the Assam Council after prolonged discussion. I would refer to two points which show that the Assam Council was not such an irresponsible body as a previous speaker suggested. You will find in this Act no provision that the crime of attempted murder shall be punished with death as you will find in some other Acts. That provision was in the original Bill, but it was withdrawn with the consent of Government in the course of the debate. Again, Sir, I think it has been stated that, under the Act, if a Public Prosecutor gave a certain certificate,

the Commissioners trying the case were bound to order that the case should be heard *in camera*. That was the provision in the original clause, but the word "shall" was changed in the course of the debate in the Assam Council into "may", and the final decision will remain with the Commissioners. There is no provision asking for any such camp as Deoli or any such provision. We propose to deal ourselves with our own bad characters. Sir, the greater part of the speeches that have been made, I think, would have been better addressed to the Assam Council when it was considering the Bill. I would now ask the House to consider the position of my poor little Province and give it the few powers which it is now asked to do. I thank the House for their patient hearing.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muham-madan Rural) : Sir (Applause), I quite agree with my Honourable friend, Mr. Scott, when he says that most of the arguments that had been addressed by the previous speakers would have been better addressed in the Assam Legislative Council. By "most of the arguments", of course, I mean the arguments that were relevant to the issues involved in the Bill before the House.

Sir, the issues involved in this Bill are three. Firstly, whether we should give the right of appeal to persons accused under the Assam Criminal Law Amendment Act. Secondly, whether we should provide for any inquiry by the High Court, in the case of a man sentenced to death, whether that sentence of death shall be after due inquiry confirmed or not by the High Court ; and thirdly, whether we should support the Assam Legislative Council when it proposes to except such accused persons from the Habeas Corpus provisions contained in the Indian Criminal Procedure Code. So far as the first issue is concerned, I think there is not a single reasonable man, there is not a single sane man, I say, who would refuse (Hear, hear) the right of appeal to a person accused of such serious offences, involving such serious penalties, as are provided for in the Assam Criminal Law Amendment Act ; and it is only reasonable, it is only common sense that, in the case of a person sentenced to death, the High Court should have the power to inquire into the sentence and confirm, only if it is found to be maintainable. As regards our support to the Assam Council in its proposal to take away the right of Habeas Corpus, I suppose the Assam Council, with the facts before them, and weighing all the relevant considerations which were no doubt put forward by the Assam people's representatives in that Council, have come to the conclusion that it is expedient that the right of Habeas Corpus should be taken away from a person accused under the Assam Criminal Law Amendment Act, and, as regards this Honourable House, which has taken away that right in the case of such accused persons in so many other Provinces, would it lie in the mouth of this House to refuse to support the Assam Council when it seeks to have the same facilities given for punishment and investigation of crime which have been given to other Provinces ? And



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how can this House interfere with the discretion of the Assam Legislative Council? What becomes of your talk of Provincial Autonomy? (Hear, hear.) Sir, I prefaced my remarks by referring to the point of relevancy, and when I was referring to relevancy, I had in my mind the very able speech of my Honourable friend, Mr. Neogy. Sir, I listened to my Honourable friend's speech with the usual respect and attention that I always accord to it when my friend speaks in this House, but I am sorry to say that when he sat down and when he said that "on these grounds I oppose this motion", I searched in vain for those grounds in my mind. Sir, my Honourable friend said that he opposed the motion because the right of appeal which was sought to be given to the accused person was not at all valuable, in fact it was useless, and how did he try to prove it? He said experience in Bengal had shown that whenever an appeal by an accused person under the Bengal Criminal Law Amendment Act had succeeded, the man was immediately clapped into jail on some other charge. Now, I say, such arguments require only to be stated to make their absurdity apparent. How is it the fault of this Act, which confers the right of appeal to such accused person, that that person, after his appeal succeeds, is nevertheless clapped into jail on some other charge with which this Act is not concerned?

**Mr. K. C. Neogy** : How do you know "on some other charge"?

**Mr. N. N. Anklesaria** : Well, I think, unless there were some such charge alleged, nobody could possibly be arrested.

**Mr. K. C. Neogy** : You would think anything.

**Mr. N. N. Anklesaria** : Secondly, my Honourable friend said that the right of appeal is not at all valuable because the Indian judiciary, the Judges of His Majesty's High Court, are not independent. That is what was his implication, if he has not stated so in so many words, and my Honourable friend cited the Honourable Sir Shadi Lal's *post-prandial* speech.

**Mr. K. C. Neogy** : Not at all *post-prandial*.

**Mr. N. N. Anklesaria** : I stand corrected—the considered speech of Sir Shadi Lal. I can only say that if Sir Shadi Lal by his speech wanted to imply that the Indian Judges of His Majesty's High Court are in any danger or under any possibility of being influenced by the Executive, then Sir Shadi Lal did himself very little justice, did very little justice to his Indian colleagues and he did very little justice to the exalted position which he occupied so long to the approbation of the whole country and to his own great credit. Sir, so far as I could remember the remarks read out by Mr. Neogy, Sir Shadi Lal never implied that he himself had that melancholy experience of being under any danger of being influenced by executive frowns or favours. Nor did he imply that any of his brother Judges was under that melancholy predicament. My Honourable friend, Mr. Neogy, while making these remarks, never stooped to any misrepresentation, but, I am sorry to say, I cannot say the same thing about my Honourable friend, Sardar Sant Singh. I am sorry he is not in his seat. My Honourable friend, Sardar Sant Singh, went to the extreme of telling this House, that this Bill should not receive the support of this House because it provided for the evidence being put before the High Court which is not sifted by cross-

examination. I say a greater misrepresentation, and a more wanton misrepresentation—I say wanton because a copy of the Bill has been in the hands of all the Members of the House for days,—about this Bill could never have been made in this House. If you refer to section 5 of the Assam Criminal Law Amendment Act, you will find that a section of that Act distinctly lays down that the procedure in a warrant case shall be followed in an inquiry under the Act. No, Sir, my Honourable friend is a lawyer, and he ought to have known that in warrant cases there is an examination-in-chief, there is a cross-examination, and there is a re-examination.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Does that Act provide for this ?

**Mr. N. N. Anklesaria** : Section 5 does provide for this. If my Honourable friend, Mr. Gaya Prasad Singh, cannot see this, then all I can say is that those are really blind who will not see.

**Mr. Gaya Prasad Singh** : Hear, hear.

**Mr. N. N. Anklesaria** : Then, Sir, as regards Habeas Corpus provision, as I said, the Assam Council have already stated that they want the right to be taken away. And after all what does this Habeas Corpus provision in connection with the present matter imply ? The Habeas Corpus provision in connection with the present matter simply implies this that an accused person has a right to come to the High Court and get the question of the legitimacy of his custody inquired into. The High Court cannot go into the facts, nor can it go behind the orders of the Executive, in ordering the arrest, provided all the forms of law have been complied with by the Executive. And, Sir, it will be attributing crass stupidity to the Executive to attribute its failure in observing mere forms of procedure. That is all I have to say and I support the motion of the Honourable the Home Member.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, I am afraid, the Honourable the Home Member has got a very poor case to support. I find that no justification has been made out for bringing this motion in this House except that the Government want to supplement the Assam Criminal Law Amendment Act. I have been trying to find out from the supporters of the Bill as to what they have to say in regard to the merits of the case and also on what ground the right of Habeas Corpus is going to be taken away from the people of Assam ? Sir, we have heard the Honourable the Official Member from Assam. I was very attentive in hearing his speech, so that I might find out what he has to say. His justification was that there have been unpleasant happenings in Assam for the last few years and, therefore, the Assam Criminal Law Amendment Act was justified but he said nothing as to why this right of Habeas Corpus was going to be taken away from the people of Assam. The point before us is whether we are justified in taking away the right of Habeas Corpus from the people of Assam ? That is the real point. On that question I did not find the Official Member say a word, and I am opposed to this Bill mainly and solely because of that. The perfunctory manner in which the Bill was presented to this House is known to you, Sir. You came to our rescue and put it off for the next day, so that we might know what the actual Bill in Assam was and for which we have to thank you, Sir, not only for this case, but also

[Maulvi Muhammad Shafee Daoodi.]

for the future guidance of the Legislative Department. Had it been a case in which the administration of the Province was concerned, I would not have hesitated in supporting the Government. But it is a matter in which the judicial right of the people of Assam is affected, and it cannot be taken away without reasonable justification being presented to the House.

Now, what we find is that several gun thefts had taken place in the Province and also a few dacoities had taken place in that Province. These are the two grounds put forward for depriving the people of Assam of this right of Habeas Corpus. I need not dilate upon this valuable right which the people have got. When the administration of a Province goes into the hands of autocrats, this is the last thing which a man can utilise, but this is going to be taken away. And why? Because the Executive of the province have found out that some gun thefts have taken place and also that some dacoities have occurred in that Province. Now, Sir, I fail to understand whether these two facts alone can be the proper justification for taking away that valuable right. I cannot understand how the Honourable Member can convince his own conscience when he finds that such a poor case has been made out by the Assam Government for enacting a provision like that. Still more, the Honourable the Home Member will consider the question as to why the Assam Government was hurrying in passing the Bill and enacting a measure for which they had no right whatsoever. Now, that right lies with this House, and the Home Member has rightly come to this House for the purpose of getting this power for the Assam Government. I submit that it is a very valuable right which this House possesses, and it cannot part with this right by consenting to a legislation of this nature in this fashion. Now, in this month of August, 1934, I find that a different feeling prevails throughout the length and breadth of India. No voice of terrorism is being heard in any part of the country at the present moment, and, in this calm political atmosphere of the country, it is not right for the Government to bring in a measure in this House on which hot discussions of stories buried for the present will take place and the people will become agitated over it. The best course for the Government of India would be not to help the Assam Government in this matter. When they do not like to look into the whole matter calmly and quietly and find out for themselves to what extent they would go in making a legislation for Assam, it is not for the Government of India to help them by coming forward with a Bill in which that right is to be taken away. I feel that in the life of the fourth Assembly we have passed so many repressive measures that we should now be saved the ignominy of enacting a measure of this kind at the last moment for which there is no justification. One more reason for my opposing this measure is that our Province of Bihar and Orissa lies on the border of Assam, and in our Province also some dacoities of that kind have taken place during the last four or five years. People from other parts of the country have been coming to our Province and committing those crimes. For that reason, I am afraid, we may also be roped in together with Bengal and Assam, and we may share the same fate as the people of Bengal and Assam. I take the precaution in opposing this Bill relating to Assam, so that my Province of Bihar and Orissa may not fall a prey to such repressive measures. Sir, with these words, I oppose the consideration of this Bill.

**Mr. Gaya Prasad Singh :** Sir, this Bill seeks to give legislative sanction to two provisions of the Assam Criminal Law Amendment Act which was passed by the local Legislative Council only this year. These two provisions are the one relating to section 15 which confers on an accused person the right of appeal to the High Court, and the second is section 29 of that Act which seeks to deprive an accused person of the right of Habeas Corpus under section 491, Criminal Procedure Code. With regard to the right of appeal, which the Assam Criminal Law Amendment Act seeks to confer upon an accused person, the local Legislature is not competent to make a provision to that effect, and it is for this reason that that particular point has come up before us for legislative sanction. Well, I am not very much enamoured of the way in which the procedure for the trial of offences under the Assam Criminal Law Amendment Act has been prescribed by the local Legislature, and the right of appeal which it seeks to confer upon an accused person. Nonetheless, this right is a valuable right, and I have nothing to say on that point. There is only one matter to which I should like to refer, and that is the one which was stated by my Honourable friend, Mr. Anklesaria. He stated just now that in all respects the procedure for the trial of offences prescribed under the Local Act will be the procedure prescribed for the trial of warrant cases in the Criminal Procedure Code. This, I submit, is not strictly correct. He referred to section 5 of the Assam Act. Sir, I will quote section 5, and endeavour to show to the House that it is not so. The procedure prescribed by the Criminal Procedure Code for the trial of warrant cases will not be fully followed if a trial takes place under the Assam Act. Section 5 of that Act runs as follows :

“ Commissioners appointed under this Act may take cognisance of offences without the accused being committed to them for trial, and in trying accused persons, shall, subject to the provisions of section 13, record evidence in the manner prescribed in section 256 of the Code, and shall, in other respects also, subject to this Act and to any rules made thereunder follow the procedure prescribed by the Code for the trial of warrant cases by Magistrates.”

Now, Sir, in the first place, the accused here is not being produced before a trying Magistrate for being committed to a Sessions Court. The next is that the special procedure which is prescribed under the Local Act will be followed. Not only that, but also the rules which may be made by the Local Government will take precedence, and over-ride the express provision of the Criminal Procedure Code for the trial of warrant cases. As regards the rules which are to be made under the Local Act, I will refer to only one. The Local Government may make rules for “ the conduct of and the procedure at trials, the manner in which prosecutions before such Commissioners shall be conducted and the appointment and powers of persons conducting such prosecutions ”.

It will, therefore, be seen that the procedure which has been prescribed under the Criminal Procedure Code may be crippled and modified by section 5, as well as by the rule-making powers which this Act has conferred upon the Local Government. Therefore, it is hardly correct to say that the procedure which has been prescribed under the Criminal Procedure Code will be followed in all respects in the trial of offences under the Assam Criminal Law Amendment Act. Not only that ; I will read out section 7 and show how a wide departure has been made from the procedure laid down in the Criminal Procedure Code. Section 7 of the Local Act states :

“ The provisions of the Code, so far only as they are not inconsistent with the provisions of, or the special procedure prescribed by or under, this Act shall apply

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to the proceedings of Commissioners appointed under this Act, and such Commissioners shall have all the powers conferred by the Code on a Court of Sessions exercising original jurisdiction."

Only a few minutes ago, I said that no case can come before a Court of Sessions under the ordinary course of law without the case being put before a committing Magistrate for investigation. But this Act, which has been passed by the Assam Council, does not prescribe any such procedure. To that extent, therefore, this is a wide departure from the procedure laid down in the Criminal Procedure Code. I will dispose of my Honourable friend's contention by saying that he has been hardly correct when he said that the procedure prescribed by the Code of Criminal Procedure for the trial of warrant cases is to be strictly followed in the trial of offences under the Assam Criminal Law Amendment Act. Now the Assam Criminal Law Amendment Act has two important features. The one is contained in section 3 which states :

"The Local Government may, by order in writing, direct that any person accused of any offence specified in the First Schedule shall be tried by Commissioners appointed under this Act."

This more or less resembles a regular trial under the Code of Criminal Procedure with the reservations to which I have already  
3 P.M. made reference. But later on, in section 16, the Local Government has been given powers to arrest, and to keep in detention without trial for an indefinite period, persons who may be mere suspects. Now, with regard to the trial of cases before the Commissioners, a list of offences has been mentioned in the First Schedule of the Assam Criminal Law Amendment Act, while with regard to those persons who have not been put on trial before Commissioners, but who nevertheless might be clapped in jail merely on suspicion, the offences have been prescribed in the Second Schedule of that Act. Now most of the offences in the First Schedule are covered by the sections mentioned in the Second Schedule. For instance I will read just one or two. In the Indian Penal Code the offences mentioned in sections 121, 121A, 122, 123, 148, 216 and so on are the offences which are to be tried by the Commissioners under the First Schedule, while in the Second Schedule the same offences have been mentioned, namely, 121, 121A, 122, 123, 148, 216, and so on. Again, in the First Schedule, offences under the Explosive Substances Act of 1918, any offence under the Indian Arms Act of 1878, and any attempt or conspiracy to commit, or any abetment of, any of the above offences may be tried before the Commissioners, and the same offences have been mentioned as falling under the Second Schedule ; which means that a person who has been arrested and put before the Commissioners and has been acquitted by them, might again be arrested under the Second Schedule, and he might be clapped in jail for an indefinite period, without any charge being framed against him or without his being called upon to enter upon his defence. In section 16 to which I have just made reference, very wide powers have been given to the Local Government as to the way it may deal with those persons on whom it may have got some sort of suspicion. Sir, the relevant portion of section 16 is that where, in the opinion of the Local Government, there are reasonable grounds for believing that any person :

"(i) is a member of an association of which the objects and methods include the commission of any offence included in the Second Schedule or the doing of any

act with a view to interfere by violence or threat of violence, with the administration of justice".....the Local Government may give any or all of the following directions, that such person :

- “(a) shall notify his residence and any change of residence to such authority as may be specified in the order ;
- (b) shall report himself to the police in such manner and at such periods as may be so specified ;
- (c) shall conduct himself in such manner or abstain from such acts as may be so specified ;
- (d) shall reside or remain in any area so specified ;
- (e) shall not enter, reside in or remain in any area so specified ;
- (f) shall be committed to custody in jail :

and may at any time add to, amend, vary or rescind any order made under this section ;”

Now, it will be seen that the provisions which I have read out give very extensive powers to the Local Government in dealing with a person who is a mere suspect, who might not have been placed before the Commissioners, or who might have been placed before the Commissioners and honourably acquitted. Sir, I find that even this power of appeal to the High Court, which is sought to be given to an accused person, is not a very valuable power, and recent experience shows that persons who have been honourably acquitted of a regular charge have again been arrested even in front of the trial Court. I will mention one or two instances. I know that a man coming from Bihar, an educated gentleman, named Mr. Vidyabhushan, was implicated in the Delhi conspiracy case. He was acquitted by the Court, but, as soon as he was out of the Court, he was arrested under Regulation III of 1818 and has been detained since that time. I have read in the papers that he is now going to be transferred to the Andamans. I have framed a question with regard to this gentleman, and I shall await with interest the reply which my Honourable friend, the Home Member, gives to that question. Now, Sir, I will mention another case from my own Province. There is a gentleman, named Mr. Ram Binode Singh of Chapra, who was implicated in the Motihari conspiracy case in my Province and was acquitted. In an earlier case he was sentenced to two years' imprisonment. In this particular conspiracy case he was acquitted, and, thereafter, interned. Later on, he has been dealt with under the Criminal Tribes Act, and has to dance attendance on the police, and subjected to various acts of harassment, and to notify his movements, and change of address and so on. He comes from the Chapra district in my Province, and he belongs to my caste, Kshatriya. (Laughter.) There were 45 persons implicated in a particular case, and these persons have been lumped up together belonging to various castes like Brahmins, Kshatriyas, Bhumiars, etc. We did not know that these castes belong to the criminal tribes. However, not satisfied with this, he has been dealt with recently under the Defence of India Act and he has been interned in his own village.

**The Honourable Sir Henry Craik :** It is the Criminal Law Amendment Act and not the Defence of India Act.

**Mr. K. C. Neogy :** We are under the impression that we are still under war conditions.

**Mr. Gaya Prasad Singh :** I am sorry ; I mean he was dealt with under the Criminal Law Amendment Act. I have referred to these cases merely to show that a man who has been put before a criminal Court and who has been acquitted may be arrested again on mere suspicion. A per-

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son who may have been acquitted by the Commissioners under the Assam Criminal Law Amendment Act may be arrested and kept in jail.

**Mr. N. N. Anklesaria :** Not under the Assam Act.

**Mr. Gaya Prasad Singh :** Yes, it is under the Assam Act. My Honourable friend was absent when I read out section 16 of the Assam Criminal Law Amendment Act which gives extensive powers to the Local Government of Assam in dealing with a person who might not have been placed before the Commissioners or who might have even been honourably acquitted by them.

**Mr. N. N. Anklesaria :** So have the police under the Criminal Procedure Code.

**Mr. Gaya Prasad Singh :** No. Now, Sir, the right of Habeas Corpus, which section 491 of the Criminal Procedure Code confers upon an accused person, is being sought to be taken away by this Bill before us. I do not know how the Assam Council could enact those two provisions of the law which are *ultra vires* of their powers ; and it is to give legislative sanction to these two provisions of the Assam Criminal Law Amendment Act that we have been called upon to discuss this Act. As I have already stated with regard to the first question, namely the power of appeal to the High Court, although it is circumscribed within very narrow limits, I do not object ; rather the right of appeal which it confers is a valuable one and we have, of course, no objection to that part of the provision. But with regard to the other part, namely, the provision by which the power of Habeas Corpus is sought to be taken away, it is very objectionable, and more cogent reasons should be placed before the House before it can swallow that pill. That provision cannot be acceptable to us. Sir, I oppose the motion.

**Khan Bahadur Mian Abdul Aziz :** Sir, I desire to say a few words with regard to section 3 of the Bill. The House is aware that there is really no serious opposition to the provisions contained in section 2. With regard to section 3 of the Bill it is very necessary first to understand that there really is a fundamental difference in the point of view of the professional lawyer and the professional executive officer. It is no use concealing that fundamental difference and it is best to be honest about it. The one interest of the professional lawyer is that when a crime has been committed, the individual who is accused of that crime should be punished only if it is impossible for him to escape punishment. I am not quarrelling with that position but that is what it comes to.

**Sardar Sant Singh :** Who introduced this system in India ?

**Khan Bahadur Mian Abdul Aziz :** The British, to our misfortune, with their Procedure Codes and their Evidence Act. The executive officer on the other hand, if he is at all educated and understands his subject,—and I do not wish to boast but I have read as much of Austin and Holland as anybody else in this House has done,—goes back to the fundamental problem, and it is this. The State, as the executive of society, takes upon itself to say to the private individual, “you have no right of private revenge ; we will do it for you”. That is the fundamental proposition and nobody has ever disputed it. Therefore, the executive officer always, when he thinks of justice,—and it is to his credit,—thinks of justice to the aggrieved quite as much as of justice to the accused.

**Sardar Sant Singh :** Will you please give some authority in support of your sweeping remark ?

**Khan Bahadur Mian Abdul Aziz :** You have to study before you know that. But it is absolutely the correct view, I repeat it again.

**Sardar Sant Singh :** The Punjab administration is not the proper place to study this question.

**Khan Bahadur Mian Abdul Aziz :** The State as the executive of society takes away from the private individual the right of private revenge.....

**Mr. K. C. Neogy :** Does it ?

**Khan Bahadur Mian Abdul Aziz :** It does, and it has an obligation to do so.....

**Mr. K. C. Neogy :** If that is the sample of legal knowledge of the executive officer, then God help us.

**Khan Bahadur Mian Abdul Aziz :** Sir, I understand the working of Mr. Neogy's mind : he says his enemy will be before the State. The executive officer wants to prevent his enemy getting at him and see that he does him no harm. That is the legal position. We want to prevent the continuance of that evil of private revenge and we want the aggrieved person not to take the law into his own hands. That is the justification for all these measures. (Interruption.) Therefore, when the State incurs that obligation, it is right that executive officers should realise their responsibility to those who fail to receive justice, when in a number of cases, under abnormal circumstances, we are not in a position to bring the guilt home to the persons who may be suspected—I am not saying that they are guilty. The correct professional lawyer's view is : " Do not prevent. Do not protect. Let the crime when it occurs be punished ". The official's view undoubtedly is that if we do not take proper preventive measures we fail in social hygiene, because we go on encouraging a disease which ultimately does much more harm than anything else possibly can. As my time is limited, I will give only a few instances. In one case, within half an hour, three individuals shot fifteen people dead and wounded another eight. The terror that they created in that neighbourhood was so great that for a number of months continuously they were able to live at the expense of the neighbouring villages and received harbour and food and shelter and it was with great difficulty that ultimately they were traced.....

**Mr. K. C. Neogy :** Did that happen in Assam ?

**Khan Bahadur Mian Abdul Aziz :** I will come to Assam. Assam is the home of good people, and this legislation is being applied to only a few districts which are really not Assam proper. In another case,—I do not want to mention names,—an individual, who was a hired assassin, went on for two years terrorising and gaining adherents to himself throughout a very large tract. This is where the executive officer's point of view is different ; he wants to prevent this disease, and, therefore, I think, there is nothing unreasonable in asking this House in the interests of the welfare of society as a whole that there should exist some provision by which in regard to individuals who are dangerous in every way, the State should have some power to control their nefarious activities. That is why I support this Bill.



**Mr. S. C. Mitra :** Sir, after my speech on the Bengal Criminal Law Amendment Supplementary (Extending) Bill, I did not like to say much on this present Bill, but the fine exposition of law and jurisprudence that my Honourable friend, Mr. Abdul Aziz, has made.....

**Mr. K. C. Neogy :** The Punjab version of British jurisprudence !

**Mr. S. C. Mitra :** .... encourages me to say a few words. He was appealing to authors of jurisprudence like Holland, Austin, Savigny and other great authors : perhaps he has forgotten the fundamental principles of political science. It is an accepted principle from the days of the great political philosopher Montesquieu, and which has now been followed generally by the civilised world, that the main three functions of a State, viz., the judiciary, executive and the legislative, should be independent of each other ; and for the last three centuries or two, statesmen and politicians have always attempted, in framing new Constitutions in different parts of the world, to maintain the great principle by keeping these three main organs independent of one another. My Honourable friend, Mr. Abdul Aziz, says that it is the executive alone that should have its way. Our.....

**Khan Bahadur Mian Abdul Aziz :** I never said that.

**Mr. S. C. Mitra :** Our main contention, and why we really object to the enactment of this oppressive legislation is that in India the Government is going headlong crushing and reducing to a minimum the independence of the judiciary. It will be an insult in future for the judiciary to have its existence here in India, if legislation goes on in this way. It is high time for the Legislature to make its point once more clear, that if the Legislature and the judiciary must have their existence, independent of the executive, they must assert it. Day to day there is encroachment, not only on the Legislature in India, which really does not properly function at all, but even on the judiciary, which, due to the earlier statesmanship of the British people, was always given independence, completely free from executive control. To our misfortune we are losing that position every day. Here, in this House, we find that even Law Members, who are expected to see that there is no undue encroachment from the executive on the judicial side, support all these measures. Why should the Government be afraid of their own judiciary ? Why are they anxious to curb the powers of their judicial officers ? If we go through the legislation for the last two or three years, any one will find, who has any eyes to see, that strenuous efforts are being made to encroach on the rights of the judiciary. It is not as if the judiciary is elected or the people have any voice in the appointment or selection of the judiciary, as it obtains in other parts of the world. In India it is a body entirely appointed and selected by the executive. Yet, they cannot trust their own judiciary and everywhere we will find some attempt is being made that justice may not be had even from the Court of law. My Honourable friend, Mr. Neogy, was quoting the views of an eminent Chief Justice who is now placed on the Judicial Committee of the Privy Council. Going through the *Modern Review*—the premier monthly magazine in Bengal—I find, they say about the new appointment in Bengal :

“ According to a contemporary, the new British Chief Justice chosen for the Calcutta High Court served in the last world war. Is it meant that that is a qualification for his high office ? As Bengal has been for years practically under martial

law which is going to be perpetuated, it is perhaps fitting that her Chief Justice should be an *ex-soldier*."

Naturally, my friend, Mr. Gaya Prasad Singh, was thinking whether the Defence of India Act had been applied because we are under martial law and even Judges are appointed with experience of the world war. I congratulate my Honourable friend, Mr. Scott, on his excellent and lucid maiden speech : I was carefully listening to his speech, but though he explained his position, he could not convince anybody. His only argument was that Assam was in a very unfortunate geographical position being nearer to Chittagong, and that was the reason why this law should be extended to Assam. I think the only case he could make out in support of his proposition was that there were a series of postal dacoities in Assam and that this law will help them to check the spread of such dacoities, but if that is the main reason, I think my friend will be well-advised to ask his Government to make some law by which these postal dacoities could be stopped, but I could not accept his argument that because Assam was close to Bengal, this law was necessary. Sylhet is not so close to Chittagong, because the Tippera hills and the Comilla district intervene.

Then, my friend, Mr. Anklesaria, following the Honourable the Law Member, said that most of the speeches were irrelevant. (Laughter from the Opposition Benches.)

**Mr. K. C. Neogy :** Great lawyers think alike.

**Mr. S. C. Mitra :** This is a Supplementary Bill, and, naturally, Honourable Members are expected to refer to the main Bill and justify their position, and you, Sir, have very kindly passed orders so that in future we may not be put in a very unfortunate position in reference to the main Bill which will be supplied to Honourable Members. Now, in the present Bill, I find there are only two substantive provisions,—one is about appeals, and the other is about section 491 of the Criminal Procedure Code which deals with Habeas Corpus. As regards the first section, I have not much to say. It confers rights which are certainly of doubtful benefit as has been pointed out already and truly maintained that out of 10 cases, 9 cases would be rejected in appeal, and if one case succeeds, it is invariably known that the acquitted person will be at once arrested and put in jail under the Criminal Law (Amendment) Act. As regards the further consideration, whether capital sentence is not to be preferred to a penal servitude in the Andamans, that is also a matter for serious thought. As regards clause 3, which says that the powers conferred under section 491 of the Criminal Procedure Code, 1898, shall not be exercised in respect of any person arrested, committed to or detained in custody under the Assam Criminal Law Amendment Act, 1934, this is a very important clause, and the House will be well advised to go through the whole thing very carefully and see which of the sections of the main Act is going to help an accused person. If anybody wants to do justice to his position in this House, he should go through the sections of the main Act. My friend, Mr. Anklesaria, in his leisure moments, when he is actuated to support Government, may say that all that we say on this side is irrelevant, but I maintain that all Honourable Members should scrutinise the provisions of the main Act. Generally, I can divide it into main divisions. One deals with Special Tribunals, and the other deals with the question of detention of suspects. As regards Special

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Tribunals, my friend, Mr. Gaya Prasad Singh, has clearly shown how irrelevant my friend, Mr. Anklesaria, was, when he talked of these sections. He did not even read section 5 where it is clearly said that the sections of the Criminal Procedure Code will only apply subject to.....

**Mr. N. N. Anklesaria :** On a point of personal explanation, Sir. I was trying to reply to what Mr. Sant Singh was saying. He said that there was no cross-examination, and I said that the procedure provided was for a warrant case, and such a procedure provided for cross-examination. That was my point.

**Mr. S. C. Mitra :** My friend still thinks that the procedure applied to warrant cases still applies *in toto* to cases tried by Special Tribunals. I invite his attention again and ask him to read section 5, where he will find it is stated that the procedure is subject to the rules made under this Act, and the executive of the Assam Government are authorised to pass any rule they like.....

**Mr. N. N. Anklesaria :** That is not so.

**Mr. S. C. Mitra :** Will my friend show how it is not so, instead of making such irresponsible remarks.....

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

**Mr. N. N. Anklesaria :** I can show.....

**Mr. S. C. Mitra :** I am prepared to wait till my friend is able to show me.....

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** Order, order. The Honourable Member must address the Chair.

**Mr. N. N. Anklesaria :** The rule-making power is restricted to the things mentioned.....

**Mr. Gaya Prasad Singh :** What are the things mentioned?

**Mr. N. N. Anklesaria :** I cannot read out the whole section....

**An Honourable Member :** Section 14.

(Mr. Anklesaria was looking through the Act.)

**Mr. S. C. Mitra :** Mr. Deputy President, let my friend explain afterwards. I cannot wait till he is able to find out his point. But I may explain that the Criminal Procedure sections will be subject to any rules made by the Local Government for the trial of these cases. That is a very far-reaching limitation of the application of the Evidence Act. My friend, Mr. Gaya Prasad Singh, quoted a few cases of arrests of accused persons—immediately after acquittal by a competent Court of jurisdiction, but, Sir, it is no wonder to Members hailing from Bengal, where it is the usual practice, and it is not an exception. In every political case, which is tried, whether by a Special Tribunal or by an ordinary Court of law, as soon as an accused person is acquitted, he is immediately put under the preventive sections of the Criminal Law (Amendment) Act and confined to jail for an indefinite period. I remember numbers of cases, where these people, under the Criminal Law (Amendment) Act, are confined in jails for periods much longer than

their co-accused who had served the full term of sentence in jail and were released after the expiry of imprisonment, but these people, whether acquitted or discharged, are still rotting in jails, and nobody knows for how long they will have to remain in jail. Here I challenge the Government to say whether my statement is correct or not. I should like the Home Member to contradict me whether it is not a fact that invariably the acquitted and discharged people in political cases are put under arrest and confined in jail as suspects under various sections of the Criminal Law Amendment Act.

Then, my friend, Sardar Sant Singh, said that the safety of the State must be looked after first even before the safety of witnesses. I say it is not necessary to go to that extreme at all. It is clearly provided in the Assam Criminal Law (Amendment) Act, that, whenever the Court wished it, or the Public Prosecutor wanted it, they could always hold these trials *in camera*. Sir, I should like to refer to the relevant sections to make the position clear as it is said that the life of the witnesses is in danger. It is section 10 :

“(1) In any trial by Commissioners appointed under this Act, the Commissioners may, if they think fit, order at any stage of the trial that the public generally or any particular person shall not have access to, or be or remain in, the room or building used for the trial.

(2) Where in the course of any such trial, the Crown Prosecutor certifies in writing to the Commissioners that it is expedient in the interests of the public peace or safety, or of the peace or safety of any of the witnesses in the trial that the public generally should not have access to, or be or remain in, the room or building used for the trial, the Commissioners may order accordingly.”

So, it is very clear that there are provisions for the safety of the witnesses, and, therefore, the question of the safety of the State *versus* the safety of the witnesses does not arise. Incidentally, I should like to submit that there are provisions for arrest and search by anybody above the rank of a police constable. Unbounded powers are given and any suspect may be kept in confinement for any period that the executive may like. Section 23 deals with scrutiny of cases by two Judges, and at the end of sub-section (1) you will find :

“The said Judges shall consider the facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is lawful and sufficient cause for the order.”

Sub-section (3) says :

“Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 16 to attend in person or to appear by pleader in any matter connected with the reference to the said Judges, and the proceedings and report of the said Judges shall be confidential.”

The other day, I gave an idea to the House of the kind of charges that are framed against these men. I should like to explain that a little more today and show that what is known in law as charges are never framed against these men. I appeal to the Honourable the Law Member,—who is not sleeping I hope—(Laughter)—he will be able to quote any number of cases and even decisions of the Judicial Committee of the Privy Council, where it has been explicitly maintained that, if a charge is to be a charge in law, it should definitely and specifically state the nature of the offence, and it should give the date precisely so that the accused may be in a position to refute the charge. It is a misnomer to call these vague allegations that are brought against these suspects as

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charges or that these poor suspects get any chance to refute the charges. I publicly challenge the Government and say that these allegations are not what we legally call charges ; they are mere misnomers. I do not want to repeat the points that I made in another debate that it is impossible for these poor suspects in any way to clear their conduct because the allegations are so vague. A mere statement that you are a member of the revolutionary party, or a statement that you are one of a party or you are under the influence of some party, that you smuggled some arms,—without giving any date, or giving a date which covers three or four years,—such kind of charges are generally made and it is impossible for any man, nor can it be expected of any decent man, to refute those allegations. If Government are in a position to meet the point, let them explain to the House how they give proper facilities for these unfortunate suspects to clear their conduct. For these reasons I think this House will be well advised in throwing out this Bill.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I propose to talk only on the question of Habeas Corpus, because I find that my Honourable friend, Mr. Gaya Prasad Singh, and also other Honourable Members have been labouring the point that a very valuable right is being taken away under this clause 3 which has been tried to be introduced. I shall take care not to waste the time of this House by going over the ground which I covered on another occasion, but I should like to add a few words to the position which I took up. In making this point, I am addressing the House as a professional lawyer, I do not know what that exactly means. Although I may be said to be on the executive for three months, my instinct as a professional lawyer is not completely gone, and as a professional lawyer the position seems to me to be this.

If the Assam Act provides,—I am not going into the merits of the Assam Act. I am not going to discuss as to whether this Act ought to have been passed or not,—if the Assam Act provides, to put it very bluntly, that a person can be kept in jail provided, in the opinion of the executive, that detention is necessary, then no High Court can help that unfortunate individual although you expressly state in the Statute that the powers of the High Court under section 491 will not be taken away. In one of the recent cases, the Honourable Mr. Justice Ameer Ali, in a long judgment in which, as one would expect, as a Judge of the High Court he was struggling all the time against the drastic provisions which have been introduced under these Acts,—he gave an illustration which I would like to place before Honourable Members. I would ask them to accept that the Judge was not enamoured of these provisions and he was trying to condemn them as much as possible within the limits of the law by showing the nature of the enactment which he was discussing. He says this :

“ I will conclude with an example, in itself trifling, ”

—He was discussing the question as to what is the position of a person where it has been laid down that he can be detained, provided in the opinion of somebody else his detention is necessary—

“ I will conclude with an example, in itself trifling, but which illustrates what I have in my mind. Suppose that by Statute the Commissioner of Police is empowered to extern any dancer whose performance is in his opinion likely to offend the public taste. Information is given by an Inspector ”—(mark the words)—“ information is given by an Inspector out of revenge. The dancer might prove that her performance was perfectly proper, that would not be enough nor would it enable the Court to investigate the correctness or otherwise of the opinion of the Commissioner of Police.”

That is to say, the learned Judge is considering this position, namely, the Statute has provided that where in the opinion of the Commissioner of Police a certain thing offended the Act and the performer may be externed, then the fact that, as a matter of fact, the Commissioner of Police was acting on information which was prompted by revenge will not enable the High Court to go into the matter. And why? The reason is simple, because the Statute says that where in the opinion of the Police Commissioner such a thing appears, then certain consequences follow. If you start with that position, the Assam Act,—as I say again, I am not going into the question about the peacefulness of the Assam people or otherwise,—but if the Assam Act provides that if in the opinion of some Government official the detention of a particular person is necessary,—and that would justify the detention,—then the High Court,—and remembering that Mr. Justice Ameer Ali is discussing a case where the power of the High Court had not been taken away, that is to say, where there was no express provision that the High Court should have no power under section 491. There he took the position which he was compelled to take, namely, the Statute has provided that the opinion of somebody would be conclusive. I am not going into a series of cases, but I may ask the Honourable Members of this House to accept that, during the last three years, a series of cases have come up before the High Court, and, shortly speaking, the Calcutta High Court has come to this conclusion, and it is the Calcutta High Court which counts so far as Assam is concerned, at the present moment. The position is this, that an Act like the Bengal Criminal Law Amendment Act is not *ultra vires* of the local Legislature. No. 2 is that, within its legitimate ambit, the Provincial Legislature has as much rights as a sovereign body like the Houses of Parliament, and the enactment of a Statute like the Bengal Criminal Law Amendment Act by which a particular person is made the sole judge of the desirability or otherwise of the detention of a person who has not been tried, that is a position in which the High Court can be of no assistance whatsoever to the person detained. I would like to remove an impression, if that is in the mind of anybody, because I find that some speeches are open to that construction. It is as if I had said on the last occasion—I have read the transcript of my speech carefully,—that a measure like the Bengal Criminal Law Amendment Act, by which a person can be detained merely on the opinion of the executive, and where the High Court has no power of interference even if the executive had proceeded on information which ought to have been rejected, and which is bound to be rejected, if the matter comes up before a Court of justice, as if I had said that that was not a drastic provision. I said nothing of the kind, and with respect to my friends here, I can assure them that as a lawyer, if I may use the expression as a professional lawyer, I realise the drastic nature of the provision, probably far more than some of my friends on this side. That is neither here nor there, nor did I suggest—I think a question was put to my Honourable friend, Mr. Puri, who is not here,—that this is not an act of repression. I said nothing of the kind. I started by assuming it was an act of repression. I proceeded to say in the very next sentence, if Honourable Members will read that speech, the repression which is permissible....

**Mr. S. C. Mitra :** Every criminal law means repression.

**The Honourable Sir Nripendra Sircar :** I said not only every criminal law, in some cases even *quasi*-criminal law may amount to repression.

**Mr. K. C. Neogy :** Even the Marriage Registration Act may act as a repressive measure.

**The Honourable Sir Nripendra Sircar :** Whether marriage is a repression or not, on that opinions may differ. I do think that, in some cases, marriage is a violent repression.

**Mr. B. Das :** I agree entirely.

**The Honourable Sir Nripendra Sircar :** If I may proceed, Sir, what I wanted to say was this. I proceeded in the next sentence to say that because law in many instances has got to be repressive it does not follow that any amount of repression is justified for putting an end to a situation of danger, however slight. The amount of repression which is justifiable—that must depend on the circumstances and all that I wanted to say was that in the case of Bengal, as in this case, the Provincial Legislature had decided what was the amount of repression which was necessary for putting to what they considered a desperate situation. I never for a moment suggested that this House is here only for recording the decrees of the Provincial Legislatures. I never suggested for one moment that this House cannot apply its mind to this problem, but what I do submit, with all the emphasis at my command, is that, *prima facie*, in a question of this kind, where the degree of repression must depend on knowledge of local affairs, a Provincial Legislature is as competent, perhaps even more competent, than this House to decide that particular question. I labour under no illusion on this point.

Now, Sir, if you look into it, from the strictly lawyer's point of view, without going into any question of oppression, and so on, which are questions of fact, let us assume that this House rejects this measure. What happens. This point was very ably, if I may say so with great respect to my Honourable friend, Sir Abdur Rahim, debated by him at full length in the discussions of 1932. The point was of course exactly the same, and the same answers were given by my predecessor, Sir Brojendra Lal Mitter, and in those discussions, Sir Abdur Rahim indicated what was the correct legal position. I told this House on the last occasion that that is the position which has been accepted by the Calcutta High Court. I have brought the authorities here, and I think it will be really inflicting them on the House if I refer to those cases now. The position, as I understand it, and as was clearly indicated in those debates and which has now been accepted by the High Court in four reported decisions,—and there is, I believe, one more unreported decision,—the position is this, if you don't put in this clause, that is to say, if we assume that the High Court's power, whatever it is, has not been expressly taken away by the Statute, then the accused or the suspect or the detenu, whatever his position may be, will be left in this position. If he comes up to the High Court, the High Court will say "yes, our powers have been taken away and we shall, therefore, look into section 491". If you turn to section 491, the position of the High Court is that it can interfere. It can investigate into the facts which justify detention if the man is illegally detained and all those authorities, beginning from the case of 60 years ago show that if, as a matter of fact, the Legislature, whether Provincial or Central, in its wisdom has provided that a particular person will be the judge as to whether detention is permissible or not, then the High Court is out of it, because it is no longer illegal detention, however drastic it may seem, and drastic it is, in fact, namely, that a man should be detained on infor-

mation, possibly as the illustration shows on wrong information and then the High Court has no power of interference. That logically follows from the fact that in a Statute, which a Provincial Legislature was completely empowered to enact, has indicated that it is enough that a person in the opinion of some executive officer is liable to be detained.

**Mr. Gaya Prasad Singh :** Is it the contention of the Honourable Member that, as a result of the series of judicial decisions to which he has just alluded, the power of the High Court to interfere under section 491 of the Criminal Procedure Code has already been taken away ? If that is so, what is the use of keeping clause 3 in this Bill ?

**The Honourable Sir Nripendra Sircar :** I shall deal with the point as to why this clause is there at all. That is a point which was very pointedly put by my Honourable friend, Sir Abdur Rahim. The position is affected not only by the four recent decisions of the Calcutta High Court but by the decision to which I referred on a previous occasion covering a period of sixty years. The position is that, if this Statute provides that detention is permissible provided that the executive is of opinion that the man ought to be detained, then in that case the High Court has no power of intervention. The power of intervention is to be looked at in this way, that the High Court cannot investigate into the facts to find whether such detention was justified : the High Court cannot go into the materials before the Government and come to a different conclusion that, on those materials, this man ought not to have been detained at all. The High Court is entitled to come to a different conclusion from the executive on certain materials which were not before the latter, but there, unfortunately, under the law, the High Court has no right to interfere, and if I may remind my Honourable friend, Mr. Gaya Prasad Singh, the taking away of the power of the High Court under section 491, so far as Bengal Regulation III of 1818 is concerned, that was introduced in 1923 so that before 1923 the position was this. We had the Bengal Regulation III of 1818. There was no provision in the Bengal Regulation that the power of the High Court as regards Habeas Corpus, or as regards any similar powers would be taken away. Therefore, up to 1923, the position was that there was an Act under which a person could be kept in custody if the opinion of the executive was to that effect. If I remember aright, my friends will correct me if I am wrong, I believe the Regulation III of 1818 even goes further and uses the word "supposed". Therefore, the mere fact that the change was made in 1923 by an amendment made no alteration in the law. That law had been enacted sixty years ago, and repeatedly confirmed by the different High Courts. Section 491 was no doubt amended, but by that amendment no change was made in the law. It only made clear a position about which some doubt might be raised by somebody ; it merely declared what the law was, even prior to the amendment, what was happening from those old times right up to 1923, and the object and the necessity of introducing clause 3 is exactly the same as the necessity of maintaining in the Criminal Procedure Code, section 491 with reference to Bengal Regulation III of 1818. Then, Sir, another point has to be remembered which is of practical importance, and that is this. It may well be said that the Legislature need not have started amending Acts and taking away expressly the power of the High Court where no such power existed. They were satisfied, up to 1923, with reference to the Bengal Regulation, to leave it in an unamended condition without any express reference to the taking away of the



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power of the High Court, and they might have continued in that fashion. Where was the necessity for this ? There is a good deal of force in that ; but it has got to be remembered that now in 1934 the position is this. Not only has the Criminal Procedure Code been amended merely for declaring what was previously the law, but that course was followed by this House in 1932. It had been followed in other Acts of the Bengal Council ; it had been followed in the Punjab Council and the result, therefore, would be that, having followed a consistent course from 1923 right up to the last month when the Bengal Criminal Law Amendment Act was passed, if you now remove this section, it will not help the accused but it will only lend colour to any plausible arguments which may be advanced, that because this section is to be found in the Bengal Act, because such a section is to be found in the Criminal Procedure Code, and as it is not here, therefore, the High Court can go into the matter. Of course the High Court will reject it, but there is nothing very sinister in introducing clause 3 for merely declaring what the law is always recognized to be from a very long time. There is another small point, Sir, and I have done. This point was also raised by my Honourable friend, Sir Abdur Rahim, and, I told my friend on the last occasion, that the point had been decided as he suggested and that was this. I may now assume that this House has passed this section and this is part of the enactment, namely, the power of the High Court is taken away under section 491. Now, suppose some person is in custody, is being detained, can the High Court inquire into his case at all ? I say, "yes", it can, in spite of this provision, it can inquire but to this limited extent. It can only inquire whether the provisions of this particular Act have been complied with, or to put it in colloquial language, when the man applies under section 491,—and two of the cases in the Calcutta High Court are exactly like that,—the man says, "oh, no, there is no proper order for justifying any detention under the Bengal Criminal Law Amendment Act". The High Court says :

"In spite of this section being in existence, we can inquire as to whether the provisions of this particular Statute have been complied with, and that for this obvious reason. The language of this section,—*Honourable Members will find*,—as also similar sections in the other Acts, do not apply to a person detained under the Act or purporting to be detained under the Act."

Those are technical words, where they are used,—if they had not been used, then of course of complication might have arisen,—but if clause 3 remains on the Statute-book, it is still open to the High Court to say,—“where is the order of the executive by which this man has been detained ?” And if that order is not forthcoming, if there is no Government order which declares that this man ought to be detained under the provisions of this Act, then the High Court can inquire, and it has inquired as I said in two of the recent cases, although, after inquiring into the facts, they came to the conclusion that there was, in each case, a proper order which justified detention ; that is to say, the High Court comes up against the dead wall as soon as it finds the order signed by the executive that this man ought to be kept under detention. Therefore,—I am afraid I have taken more time than I intended to,—it, therefore, boils down to this. Is there any great necessity for this section ? That is a question which would be a very pertinent question,—and that is the way in which it was put by my Honourable friend, Sir Abdur Rahim, but, after discussion,

this Legislature has followed the line of action which it did take up in 1923 and to declare the law on the subject it got a similar provision in the Act of 1932. As I said, in the other Acts, there is a similar provision as well, and not only in the Acts of this Legislature but also in those of the Local Legislatures. Therefore, on this point of time, if this section is rejected by this House, it will really give no relief whatsoever to the accused except probably allowing a "professional lawyer" to argue an unsubstantial point for a couple of days. (Laughter.)

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-

4 P.M.

Muhammadian Urban) : Mr. Deputy President, I had intended to speak when the substantive clause, namely clause 3, was taken up for consideration. But in view of the Honourable the Law Member's speech, I think it may be just as well if I offer my remarks at this stage. The arguments of the Law Member divide themselves into two categories.

Firstly, that this clause suspending the Habeas Corpus is necessary, and, secondly, that the House is within its jurisdiction to pass a clause of this kind. Let me take up the first position. I was really gratified that the Honourable the Law Member made the speech that he did, because I thought that that was a speech that ought to have been made from this side of the House. What was the position that the Law Member took up with reference to this question. He argued that during the last 60 years, beginning with the Wahabi case, so far as the Calcutta High Court, at any rate, was concerned, the position was made perfectly clear that, on merits, a question like this could be examined by the High Court and therefore the prerogative of issuing the writ of Habeas Corpus was an unsubstantial thing. He argued that it was not necessary even to put this clause in the Bill, that the predecessor of this Assembly had in 1923 done an unnecessary thing in inserting such a provision, that its successors had continued to do a series of unnecessary things by passing amendments to this effect, and that, therefore, we should now perpetuate this unnecessary provision by repeating it in every Bill which we can think of in this connection. What else did it amount to ? This measure, he said, is absolutely unnecessary. The High Court is quite clear in its mind as to what should be done. Whether this measure is there or not, there is no possibility of the High Court interfering with the judgment of the Executive. The opinion of the Executive is made supreme under the substantive Act which has been passed by the Assam Legislative Council, and, therefore, no judiciary can take notice of this fact beyond enquiring whether a formal order detaining the accused and keeping him in custody has been passed or not. Therefore, he is bound to go to the logical extent of saying that it is really a superfluous and an unnecessary provision, and he says that as in 1923 the Assembly had passed that provision and had repeated it successively in a series of enactments, therefore it is necessary that this unnecessary and superfluous provision should again be repeated in this House. And, mark, you, Sir, what was the necessity for it ? Not that the High Court were at any time under any illusion as regards the nature of this provision, not that the High Court Judges will be led astray, will be led into legal complexities, because this provision is not there ; for about 60 years precedents are abundant in High Courts, and whether this provision is there or not, they are not going to interfere with that matter, but because some briefless barrister would take up this case and earn an unmerited fee.

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I should have thought that that pleading was conclusive against this clause being in this Bill. But it seems to me that the position of the Government is not quite so innocuous as all that. A very plausible case has been put forward by the Law Member, which reduces the Government case to an absurdity according to his own showing, but I think the Home Member and those who have advised him have much more serious intentions for having this clause in the Bill than what my Honourable friend, the Law Member, gave them credit for. Nobody on this side of the House has questioned the fact that the merits of this question cannot be discussed by any High Court. Take, for instance, a case under clause 16 of this Bill when Government think that a certain person should be detained in custody. Now, what the High Court can question and what the High Court has repeatedly discussed is whether the forms prescribed have been complied with before the particular action was taken by the Executive. Whether the forms prescribed in the Criminal Law Amendment Act have been followed by the executive or not is a question which can legitimately be argued before the High Court. Under clause 16, for instance, it is ordained that the Local Government may, after giving a person or persons concerned such reasonable opportunity to explain his conduct as may be practicable by ordinary writing, do such and such thing, but the question arises whether that reasonable opportunity which is further curtailed by the provision that it should be of a practicable nature has at all been given by the executive to the person who is going to be committed into custody. Of course, it is open to the accused to argue that no opportunity of any kind was given to him and that the charge which the Government brought against him was not a correct charge. It is provided that this order of the Local Government shall be reviewed every year and it is open for the accused to prove, if he can at all, that the Local Government has not reviewed the matter during the last three or four years.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

These are forms which have been prescribed by this very Act, were passed by the local Legislature, and, therefore, these forms must be complied with and the enactment of this provision in the present Bill would mean that even these forms need not be complied with by the Local Government. That is our objection to the inclusion of a provision like this. It is a very hackneyed objection because, if I may say so, it has been repeated time after time and if the Law Member can see no other justification for repeating this clause than the justification that an unnecessary provision has been repeatedly inserted because for once the Legislative Assembly made a blunder in passing it, then I think the clause stands self-condemned and this House need not be a party to the absurdity of passing it.

Then, Sir, let me take up another point which the Honourable the Law Member referred to. I know that some Members in this Assembly thought that this provision was *ultra vires* of this Legislature. I entirely agree with the Honourable the Law Member that it is not *ultra vires*, that it is open to this House to pass a provision of this kind and to suspend the Habeas Corpus. In fact, Parliament itself has done it. When it passed the Defence of the Realm Act, it suspended the Habeas

Corpus. A great deal of confusion has arisen from the fact that this right is supposed to be a common law right or that it was conferred by the Magna Charta. Somehow or other it has been assumed by some that it is a right which cannot be touched by any Legislature. Now, that is a proposition to which I do not subscribe. The Parliament in England is a supreme legislative authority and it can suspend any fundamental right, if I may use the modern phraseology, if it thinks fit to do so. Therefore, no question of an inherent right, other than the plea to have a certain guarantee as against the Legislature, can ever be suggested or can ever be put forward. The Parliament has got paramount powers with reference to all these matters, and, therefore, I venture to agree with the Honourable the Law Member that Parliament can suspend that right; but may I ask the Honourable the Law Member to turn his attention to another aspect of the question? It is not really an issue whether this provision is *ultra vires* of the Legislature or *intra vires* of the Legislature, but the question is whether the Legislature will be doing its proper duty in abolishing or suspending the Habeas Corpus and if it is thought that this is its proper duty, then under what circumstances it can be done? Now, Sir, my Honourable friend knows that the term "fundamental right" has come into great use especially since the War. Every modern political Constitution has at any rate, the large majority of modern constitutions have a list of what are called the "fundamental rights". They declare that the property of a person is sacred and cannot be touched except in accordance with the provisions of the law; that the liberty of persons should be assured and cannot be violated except in accordance with the law, and so on and so forth. What is the value of these fundamental rights? Has anybody suggested that these fundamental rights cannot be abrogated? No, Sir, Parliament, having supreme jurisdiction, can really go back on these fundamental rights and pass legislation which can nullify these fundamental rights. But the Parliament is asked to pause, to consider and to take time to think over the seriousness of the step that it is asked to take. Sir, it is only an ordinary amendment that can be passed by a snatch majority or by a whisper from the Government Benches. In these Constitutions, special provision is made whereby any abrogation or suspension of fundamental rights must be accompanied by certain conditions. For instance, some of these fundamental rights can be modified by what is called a constitutional amendment. A constitutional amendment in this connection means that a law relating to the abrogation of those fundamental rights cannot be passed as any other ordinary law can be, but has to be passed under certain circumstances and on certain conditions being fulfilled. A constitutional amendment must be passed by a certain majority, not by a snatch vote, not by my Honourable friend, Captain Lal Chand, being in the majority of one and the Government carrying out that fundamental constitutional amendment, but certain requisite conditions have to be satisfied. In some constitutions, a constitutional amendment can only be passed if adopted twice, that is once passed and again affirmed according to some other Constitution. A constitutional amendment can sometimes be passed after a referendum to the country has been made and the country has given its verdict whether the constitutional amendment could be passed or not. A constitutional amendment can be passed, again, after the dissolution of the House and the creation of a new House which should also agree to the passing of this constitu-

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tional amendment. Why is all this done? My Honourable friend should think of that aspect of the case, not because Parliament is not sovereign, not because within the limited power, that we have been given, this House is not supreme even in suspending or abrogating the right of Habeas Corpus, but because the case is serious, and, before so serious a step is taken, the Government should pause, consider, hesitate and think twice, aye, a hundred times even, before they come forward with a proposal which abrogates or suspends the fundamental right which every citizen in every civilized country ought to have; but that aspect of the case seems never to have occurred to the Government. My Honourable friend says this is an unnecessary provision, but because we have had a series of unnecessary provisions, let us add one more to this series and pass another Bill which will enable the next Law Member to point out that even in 1934 this unnecessary provision has been passed and so in the year of grace in 1938 it ought to be passed also. That is not treating the question seriously.

My Honourable friend has not understood the significance of this provision about Habeas Corpus. I am sorry I have to say that. As a lawyer, of course, he knows it, but as a politician I want him to appreciate the question of Habeas Corpus and not as a lawyer. Lawyers know the limited manner in which they have to treat questions relating to Habeas Corpus, but politicians know the origin of Habeas Corpus, the importance of Habeas Corpus, the part it has played in the political history of every country in the world and the enormous importance that is attached by members of subject nations in particular to this right of Habeas Corpus. Sir, I appeal to my Honourable friend to look at this question as a politician and not as a lawyer, and if he looks at the question as a politician, I have no doubt whatsoever what his answer would be to this question of whether Habeas Corpus should be suspended or not. This is not an unnecessary provision, it is a very important provision from the Government point of view. It is not an innocent provision, but it is most dangerous from the point of view of the ordinary citizen.

I do not want to pursue the propositions of law which were laid down by my Honourable friend, Mr. Abdul Aziz. Probably, as an Executive Officer of long standing, that is the only way he can look at this question, but I can tell him that no professional lawyer, if I may use that term, whatever it may mean as the Honourable the Law Member has said, no professional lawyer worth his salt ever thinks that an accused should be convicted only if it is impossible to acquit him. That is not the proposition. Lawyers have said that it is better that nine guilty men should be acquitted, rather than one innocent man should be condemned. That is quite a different proposition, and when he or I stand in the dock in the position of an accused, we might then better realise the value of that legal dictum (Applause) and what it means to the liberty of the people. It is quite all right for an Executive Officer to say we are saving you from all these troubles by putting half a dozen people into custody, in detention without trial, without investigation and without cross-examination and without a judicial certification. In all that, it is the mentality of the Executive Officer, but the lawyer's mentality is that one innocent man being unnecessarily and improperly

convicted means a reflection on the whole community, a reflection on the whole judicial system. Therefore it is that forms and procedures have been laid down which try to make it absolutely certain that a man convicted deserves to be convicted though a man acquitted may not deserve to be acquitted. That is the fundamental difference between an Executive Officer and the judicial officer, between an officer in authority, who when he cries out "*koi hai*", has half a dozen *chaprassis* rushing in to carry out his behests and a humble lawyer who tries to do his duty according to his conscience and that conscience which merely asks him to try his level best to put all the facts before the judge and leave it to him to decide the case on its merits. There is one minor point to which I should like to refer, and I want that the Honourable the Law Member should advert his attention to. Section 491 says : that any High Court may, whenever it thinks fit, direct a certain number of things to be done and among these provisions, there is a curious provision that a person detained in any jail situate within such limits be brought before the Court to be there examined as witness in any matter pending or to be enquired into in such Court. Even that provision is now taken away by this clause. I ask the Honourable the Law Member to state whether, as a matter of law,—and in that I entirely yield to him, because he is supreme in this House—it will still be open to the High Court to get a detainee as a witness if the High Court is satisfied that his evidence is necessary.

**The Honourable Sir Nripendra Sircar :** If the Honourable Member wants an answer, it is very simple. If the position is as the High Court cannot enquire into the matter and all that is concerned is to see whether there is a signed order by the Government, then the High Court cannot possibly send for any accused for putting any question. In these circumstances, supposing the accused says nothing and supposing he satisfies the judges that he is innocent, then the High Court cannot interfere, because, as I said—I am not repeating this argument—the Provincial Legislature in its wisdom has made the opinion of the Executive to be the sole judge. What is the High Court going to do ?

**Diwan Bahadur A. Ramaswami Mudaliar :** I am afraid the Honourable Member is doing an injustice to me as well as to the Criminal Procedure Code. May I read again the particular sub-section ? It does not say that he should be called as a witness in his own behalf or in the matter of the detention with which he has been dealt with. If he is required as a witness in any matter whatsoever—that is what the sub-section says : Let me read the sub-section :

"That a persons detained in any jail constituted within such limit be brought before the Court to be there examined as a witness in any matter pending or to be enquired into in such Court."

If there is a case against "X" and the person detained in custody in the Deoli Camp is required to give evidence in that behalf, then has the High Court power to issue this writ to bring him as a witness for the matter before it ? That is the question for which I want an answer.

**The Honourable Sir Nripendra Sircar :** I think the answer to that question is, there may be two opinions about that. I can only say this that in two instances in 1933 and one instance in 1934 witnesses have been sent for and examined by the Calcutta High Court in Calcutta itself.

**Diwan Bahadur A. Ramaswai Mudaliar :** I am glad that my Honourable friend has answered the question. There can be two opinions about that. I do not want two opinions, but I want one opinion that the High Court has got power to send for this man and examine him if it is required. Some judges may issue a writ to bring the man in custody to give evidence in a particular case and there may be other judges who may decline to do so. In view of the fact that this particular section is there, the judges may feel very chary in using their power, even if it is granted that they have the power in issuing summons for this man to come and give evidence before them. It seems to me, therefore, that this provision is the most obnoxious provision in the whole Bill. The Bill relates itself into two parts, the one is an enabling provision, whereby the right of appeal is granted to convicted persons, and assuming that the Assam Legislature has passed it, I am bound to see that that provision is incorporated, because it is an enabling provision. But the provision, to which my decision and my consent is now required, is also for the right of Habeas Corpus to be suspended. The Honourable Member has said, it is unnecessary. I think it is necessary from the Government point of view, and because it is necessary, I am bound to oppose it, because it will do a great deal of harm and it will do a great deal of injustice. I perfectly agree that there are limits to which an accused can be protected even if we do not adopt this clause. Therefore, we should leave unaffected section 491 in the case of these people who are treated by the executive at their mercy without any right of appeal of any kind. I, therefore, think that this very little, almost infinitesimal right that they have which, according to the Honourable the Law Member himself, is unsubstantial, should be preserved, and let us leave them the consolation of at least going occasionally before the High Court when they do feel that the forms which have been prescribed under the Assam Criminal Law Amendment Act have not been complied with by the executive, to set right the defects. On these grounds, I, therefore, oppose this provision. (Applause.)

**The Honourable Sir Henry Craik :** Sir, the debate to which we have listened today has travelled over a very wide range of subjects, some of them, it has seemed to me, only very remotely connected with the actual provisions of the Bill under discussion. The debate now seems to be ready to perish of inanition and it is for me,—I admit not unwillingly,—to perform its obsequies. I should like to remind the House that really this Bill is a very simple supplementing measure, designed to give effect to two clauses of a local Act passed by very large majorities through the local Council, which were unfortunately found to be beyond the powers of the local Legislature. Some of the speakers opposite me have taken the opportunity of attacking the local Act, and it has been asserted that the local Act was introduced and passed without any reason, that it is an Act of oppression and that the circumstances of the Province were not such as to justify its passage. My Honourable friend, Mr. Phookun, from Assam, dismissed in a somewhat airy fashion what he described as three or four decoities, the maximum limit of loot in any one of which was, he said, three thousand rupees, and which seemed to him, or at any rate he gave me that effect, of being nothing more than a little playful ebullition of high spirits on the part of a few youths who he denied were in any way connected with

the terrorist movement. Now, Sir, my Honourable friend's facts were as inaccurate as his deductions seem to me to be unreasonable. So far from their being three or four dacoities, there have been in the last 3½ years 15 dacoities, two of them accompanied by murder. That can hardly be described as a trifling series of offences. So far from the largest quantity of money stolen in any one of these crimes being Rs. 3,000, the largest quantity actually was Rs. 15,000 or thereabouts. And I think in almost every case the amount was considerably in excess of Rs. 3,000.

**Mr. T. R. Phookun :** That comes to only four dacoities a year for the whole Province.

**The Honourable Sir Henry Craik :** There have been 15 dacoities of a political nature in 3½ years. Now, Sir, the Honourable Member suggested that there was no proof that these dacoities.....

**Mr. T. R. Phookun :** May I know how the Honourable Member maintains that these were of a political nature ?

**The Honourable Sir Henry Craik :** If the Honourable Member would allow me to conclude one or two sentences without interruption, my point might become clear. He denies that it has been established that these dacoities are of a political nature. Sir, my Honourable friend, Mr. Scott, whose maiden speech has been acknowledged to have been a lucid and a convincing statement, made it quite clear that the Local Government were satisfied that these crimes were the crimes of a terrorist organisation. I would invite attention to one particular passage in the speech of the Honourable Maulvi Saiyid Sir Muhammad Saadulla, the Member in charge of Law and Order in Assam, when he moved for consideration of the Bill. He said :

“ I have been in charge of the Department of Law and Order since 1929, and have resisted the proposals of the police and of the district authorities to supplement the ordinary criminal law. But the information now placed before the Government clearly proves the existence of many organisations, within the Province, with the avowed policy of overthrowing the constituted Government by means of force and violence. In the public interest, I cannot divulge either the quantum or quality of the evidence that Government possess, but I can assure the House that on the materials which were placed before us, my Honourable colleagues, European and Indian, the Government as a whole, both the reserved and the transferred halves, have come to the unanimous conclusion that Government must possess powers ready for use for dealing with future emergencies.”

That, Sir, is an opinion that I do not think anybody on the other side is in a position to go behind. Certainly I am not. I do not personally know the conditions in Assam,—I could not know them. But here is the responsible Member in charge of the subject and he tells us that the whole of the Government, both Indian and English, are completely convinced that there are these terrorist organisations at work. I think, Sir, that effectually disposes of the point made that there is nothing in the situation in Assam to justify the assumption by the authorities of special powers.

Next, Sir, I come to the speech, the very interesting and enthralling speech, of my Honourable friend opposite, Mr. Neogy, which seemed to me, if I may say so, even less directly connected with the question before the House than most of the other speeches. He dealt very largely with the question, which seemed to be worrying his conscience, of the



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independence of the judiciary ; and he made certain observations,—for which I have no doubt he has satisfied himself he has good cause,—which seemed to me to constitute a somewhat serious reflection on the independence of the judiciary,—I think he went so far as to say, of certain High Courts. Now, Sir, my Honourable friend is fond of throwing challenges to me across the floor of the House, and he did so in his speech this morning. He quoted a speech made by my old friend, Sir Shadi Lal, who was till recently Chief Justice of the Punjab, which contained certain observations which my Honourable friend used to support his case. I think, he rather hinted that he would like me to reply across the floor of the House to those observations. Well, Sir, I am much too old a bird to be caught by that sort of chaff. (Laughter.) The late Chief Justice's speech was made on the 7th May. I left India on the 3rd May. I had never heard of the speech before my Honourable friend mentioned it. I did not even know it had been made. I have never seen a single newspaper article about it and I certainly am not prepared to take a single passage from what was, I imagine, a carefully prepared *ex cathedra* pronouncement of that sort, spoken from the Bench with all the dignity of the Chief Justice's office surrounding him and with of course no possibility of argument or contradiction, and here from my place in this House, where there is every possibility of argument and contradiction and interruption, to make a reply to it. I think my Honourable friend will admit that that is not an unreasonable attitude to take up. But there was one thing that the Honourable Member said in his speech, and the same point was taken by other speakers, notably by my Honourable friend, Mr. Mitra, whose speech was, if I may venture to say so, largely a repetition of the arguments used by other speakers, and that is, that it is no use giving these people the right of appeal, because directly the appellate Court acquits them, the executive authorities arrest them and detain them. In fact, from the remarks made by my Honourable friend, I gather that he intended me to believe that in his own Province that is practically the invariable procedure, that in the first place no appellate Court dare acquit, but that if it did, the man is immediately re-arrested. Of course, I cannot speak for Bengal.....

**Mr. K. C. Neogy :** May I interrupt my Honourable friend for a moment ? I made it quite clear that to my knowledge no such thing has happened with regard to appeals to the High Court : but so far as the trials by special commissioners or trials by other judicial officers were concerned,—primary trials,—this is rather the rule, than the exception.

**The Honourable Sir Henry Craik :** I am sorry if I put in my Honourable friend's mouth any words he did not mean : I certainly thought that he had referred to appeals in the High Court. As I say, I cannot speak for Bengal, but we have, in our small way in the Punjab, had a similar problem to deal with in the last four years, and speaking entirely from recollection, and subject to correction, I only remember one case in which I, as the Member in charge of Law and Order, agreed to the executive arrest of a person who was acquitted by—in this case, it was, I admit,—the High Court, on appeal. The circumstances of that particular case are, it seems to me, of some little interest in rebutting the general attitude of Honourable Members opposite that the procedure has necessarily the result of keeping in indefinite detention innocent men

I will venture to tell the House very broadly, without the names of course, the circumstances of that particular case. The man in question had been tried for being implicated in a conspiracy to murder—a conspiracy which, I may say, resulted in murder : he was convicted in the Sessions Court and sentenced to death ; he appealed to the High Court and he was acquitted ; and taking a careful survey of all the facts, and the information in our possession, about that man, the Local Government decided that they would not be doing their duty if they allowed him to remain at large. He was accordingly arrested and placed under detention. Now comes the interesting part of the story—two interesting parts in fact. One was that I had a conversation with one of the High Court Judges who acquitted him : my Honourable friend will pardon me for bringing in a conversation outside the House, but I only follow his own example. The Judge said to me that he was very sorry he had to acquit this man, that he was perfectly satisfied in his own mind that the man was as guilty as he could be, but the rules of evidence by which he was bound—and notably the rule, that the evidence of an accomplice is not to be accepted without material corroboration, precluded him from convicting him.....

**Mr. K. C. Neogy :** Is this the practice in the Punjab—to discuss such matters between a High Court Judge and executive officials ?

**The Honourable Sir Henry Craik :** The Honourable Member has himself quoted a conversation.

**Mr. K. C. Neogy :** I merely wanted to know.

**The Honourable Sir Henry Craik :** I do not say it is the practice, but the circumstances were exceptional and the Judge in question came to me and volunteered this statement and I do not see why I should not have listened to it.

**Mr. K. C. Neogy :** I am very glad my Honourable friend makes a candid admission.

**The Honourable Sir Henry Craik :** That was a perfectly candid admission by the Judge, and it shows that there are rules of evidence which occasionally, at any rate, I do not say always—I do not even say often—but occasionally result in the acquittal of a man who is known to be guilty. Now, there is another interesting part. This particular man was kept in detention and I am very glad to say that he saw the error of his ways and he made what I really believe was a sincere repentance. I went very carefully into his case and discussed it with the officers in actual contact with him : he wrote out in the very greatest detail the entire history of his connection with the terrorist and he wrote out in the very greatest detail every incident connected with the conspiracy for which he was tried. He admitted up to the very hilt his guilt. I do think that story has a certain significance. It does show that the procedure of the ordinary Courts is not cent. per cent. guaranteed to arrive at the truth ; there are occasions when the executive government, in possession of facts of that kind, are perfectly justified in ordering detention as an executive order. There is no injustice in it and I submit that it was not done without the very gravest consideration.

I can recall another story bearing on the same point—perhaps in *rather lighter vein ; and in this case I will not vouch for its complete*

[Sir Henry Craik.]

truth. It was in a certain district in which I served in the Punjab as a young man, a story current in the countryside,—it was a very lawless district. The story is that a lady, whose husband had been murdered, was determined to have her revenge and so she sent for the local murderer and asked him : “ Look here, my husband has been murdered : I suspect so and so : what will be your price for getting rid of him ? ” He stated his usual terms—Rs. 50 or something like that : and she said : “ How much will you charge for murdering his wife ? ” He said : “ That would be cheaper—say Rs. 40.” A bargain was struck and he took the wife out for a walk and pushed her down a well and disposed of her like that. Then he was arrested and put before a magistrate : of course he had been through this sort of thing before and it did not worry him : he made no statement before the committing magistrate : he was committed for trial : he did not say much in the Sessions Court beyond saying that he was innocent ; and he was convicted. He then, as usual, appealed to the High Court and he was acquitted. It had all happened to him before and so the whole thing was a familiar routine for him : he then went back to the lady who had employed him and said : “ Now I have done my job ; where is the Rs. 40 ? ” She said : “ But, the Judge Sahib said you did not do it.” (Laughter.) She refused to pay him. The ending of the story is that he thereupon murdered the lady, but I am not sure about that. As I said, I cannot vouch for the truth of the story, but still it does corroborate my point, which is that one cannot, in every single case, accept the contention that a man who is acquitted by a Court of law must necessarily be innocent.

Sir, I noticed that my friend, Mr. Abdul Matin Chaudhury, while not denying, like his compatriot from Assam, the existence of the terrorist organization, did make the point that it was not really a very serious menace. He said, as far as I can recollect, that it has not been necessary to take precautions to secure the safety of officers in Assam. I quite agree that that is true, and that the form of terrorist crime in Assam, so far as the material before me goes, is much less violent in the sense that it usually takes the form of dacoity and is less murderous than the crimes committed by the same kind of organization in Bengal. As Mr. Scott made it clear, the chief danger in Assam is, that terrorists from Bengal have taken refuge there under pressure from the police, and they have been using Assam, not for committing the type of terrorist murder which has been so deplorable a feature of Bengal, but rather for replenishing their funds by robbery and dacoity. That is perfectly true, but the menace is surely none the less a very serious one and fully deserves to be dealt with by special weapons.

A later speaker, Sardar Sant Singh, in the course of his speech questioning the provision in the Bill for the abrogation of the powers of Habeas Corpus disputed the contention that such a provision is in the interests of witnesses. His own word were that “ witnesses were occasionally subjected to maltreatment ”. Now, that is surely slightly understating the case. Witnesses are no doubt maltreated occasionally, but the justification for this legal provision is not maltreatment but stark murder. Witnesses have on a great many occasions,—though certainly there have been fewer occasions in recent years than in the past,—but on a great many occasions witnesses have been murdered with the utmost ruthlessness, and I have no doubt that, if the trials of terrorists were held in public, and

the witnesses or informers or accomplices on whose evidence the prosecution was to rest were placed in Court, that murders would again become most distressingly frequent. Nor can it be said that even a trial *in camera* is really any substantial measure of protection. If there is a trial at all, even if it is held *in camera*, it is easy enough for the agents of the accused to ascertain and make a note of the names of the witnesses.

My friend misquoted the Assam Act when he said that it was within the power of the Public Prosecutor practically to direct the Commissioners to hold a trial *in camera*. That is not the case. His mistake has already been pointed out by Mr. Scott. The Public Prosecutor can merely draw attention or certify that in his opinion it is necessary, but it is still for the Commissioners to decide.....

**Mr. T. R. Phookun :** May I interrupt my Honourable friend for a moment ? It is provided that neither the name nor the designation, nor any words, signs or visible representation disclosing the identity of any witness in a trial by Commissioners appointed under the Assam Criminal Law Amendment Act, and so forth, shall, without the permission of the Commissioners, or after the termination of the trial, without the permission of the Local Government, be published in any newspaper, book or other document. So, I think it is clear that identity would not be disclosed.....

**The Honourable Sir Henry Craik :** All the same, I don't think that section would fully protect the witness. If he has to appear in Court at all, it is easy enough for the accused or his agent.....

**Mr. T. R. Phookun :** I would like to ask another question, Sir. How many witnesses have been murdered within the last 20 years ?

**The Honourable Sir Henry Craik :** Within the course of 20 years ?

**Mr. T. R. Phookun :** About that.

**The Honourable Sir Henry Craik :** I should say a considerable number, certainly a dozen, within the course of 20 years. I have only got figures for the last four years, and during this period in Bengal alone two have been murdered, and there have been two other attempts. Of course, as I said, there have been far fewer attempts within the last four years, but before that they were comparatively common.

Another point made by my friend, Sardar Sant Singh, was that it was possible for the Commissioners in certain circumstances to record evidence in the absence of the accused. That is no doubt true. It is only when the accused, either by voluntary act renders himself incapable of appearing in Court, or forcibly resists his production or behaves in a persistently disorderly manner, that evidence is recorded in his absence. My Honourable friend should know from a certain case that was notorious in the Punjab, that it is possible for accused persons, by persistently disorderly conduct, by refusing to be taken to Court and by interrupting the proceedings by shrieking and singing, and so on, to hold up a trial almost indefinitely. And what happened in that notorious trial is in itself a full justification, I submit, for this provision. It can only be used in the case of an accused who is determined to defeat the ends of justice by rendering the proceedings impossible.....

**Sardar Sant Singh :** May I draw the attention of the Honourable the Home Member to the various provisions in this respect, to which I referred in a cursory manner, because I could not deal with all the clauses

[Sardar Sant Singh.]

separately as the Act has been passed already. In that Act it is laid down, for instance, in section 8, clause 2 (b), that any evidence already recorded in the trial or in favour and so forth. Similarly in clause 3, it is stated that the Court may not recall the witnesses.....

**The Honourable Sir Henry Craik :** I am not clear whether this is an interruption or a speech. I am not saying that the Honourable Member was wrong, but there is this power, and I am trying to justify it.

Now, I do not propose, in fact I am not qualified, to follow my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, into the question of Habeas Corpus. I admit that when we get into those sorts of abstruse legal questions,—I am not a lawyer, and I get out of my depths, I am sure the House would not want me to deal with those questions. But taking what has been called the executive point of view, I would like to defend this provision, apart from the question of consistency or inconsistency with previous Acts, on its merits. I am perfectly aware that it is a principle of common law—I trust I am not using that term incorrectly—it is a recognised principle of civilised government, shall I say, that the subject has certain defined and well-recognised rights of personal freedom, and that he is not to be deprived of those rights, except by a sentence of Court. That is a most important principle which, I think, as I said the other day in another connection, everybody who has any respect at all for ordered government must support. But my point is this. There do arise emergencies which make it necessary to abrogate the ordinary law. When you have a deep-seated, wide-spread conspiracy, whose deliberate object is to paralyse and defeat the ordinary law, then I do think the executive government must be armed with the power to hold in abeyance, temporarily at any rate, possibly permanently, or at any rate so long as the danger exists, those powers of personal freedom which, ordinarily speaking, everybody would desire to respect and conserve. That, Sir, is the basic justification for any measure of this nature, and in clause 3 of the Bill we merely desire to endorse the very clearly pronounced verdict of the Assam Council regarding the existence in present circumstances in that Province of that special emergency to which I have referred.

Sir, I hardly think it is necessary for me to speak any longer, at any rate at this stage, in favour of the motion. I hope the  
 5 P.M. House will agree, in view of what has been said in defence of this Bill, and, in view of the very clear verdict of the local Legislature, to take the Bill into consideration. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty): The question is :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be taken into consideration.”

The Assembly divided :

AYES—56.

Abdul Aziz, Khan Bahadur Mian.  
 Ahmad Nawaz Khan, Major Nawab.  
 Ali. Mr. Hamid A.  
 Allah Baksh Khan Tiwana, Khan  
 Bahadur Malik.  
 Anklesaria, Mr. N. N.

Bajpai, Mr. G. S.  
 Bhadrapur, Rao Bahadur Krishna Raddi  
 B.  
 Bhore, The Honourable Sir Joseph.  
 Brij Kishore, Rai Bahadur Lala.  
 Buss, Mr. L. C.

Chatarji, Mr. J. M.  
 Craik, The Honourable Sir Henry.  
 Dalal, Dr. R. D.  
 DeSouza, Dr. F. X.  
 Dudhoria, Mr. Nabkumar Sing.  
 Duguid, Mr. A.  
 Fazal Haq Piracha, Khan Sahib Shaikh.  
 Ghuznavi, Mr. A. H.  
 Gidney, Lieut.-Colonel Sir Henry.  
 Grantham, Mr. S. G.  
 Grigg, The Honourable Sir James.  
 Hockenhull, Mr. F. W.  
 Hudson, Sir Leslie.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmad, Shamus-ul-Ulema Mr.  
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
 Lindsay, Sir Darcy.  
 Lumby, Lieut.-Colonel A. F. R.  
 Metcalfe, Mr. H. A. F.  
 Morgan, Mr. G.  
 Muazzam Sahib Bahadur, Mr. Muhammad.

Mukherjee, Rai Bahadur Sir Satya Charan.  
 Noyce, The Honourable Sir Frank.  
 Pandit, Rao Bahadur S. R.  
 Perry, Mr. E. W.  
 Puri, Mr. Goswami M. R.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Raghubir Singh, Rai Bahadur Kunwar.  
 Raisman, Mr. A. J.  
 Rajah, Rao Bahadur M. C.  
 Ramakrishna, Mr. V.  
 Rastogi, Rai Sahib Badri Lal.  
 Rau, Mr. P. R.  
 Richards, Mr. W. J. C.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Scott, Mr. W. L.  
 Singh, Kumar Gupteshwar Prasad.  
 Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Trivedi, Mr. C. M.  
 Zakauallah Khan, Khan Bahadur Abu Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir.

NOES—28.

Abdul Matin Chaudhury, Mr.  
 Abdur Rahim, Sir.  
 Ba Maung, U  
 Bhuput Sing, Mr.  
 Das, Mr. B.  
 Gunjal, Mr. N. R.  
 Jadhav, Mr. B. V.  
 Jog, Mr. S. G.  
 Maswood Ahmad, Mr. M.  
 Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Mudaliar, Diwan Bahadur A. Ramaswami.  
 Murtuza Saheb Bahadur, Maulvi Sayyid.  
 Neogy, Mr. K. C.

Pandian, Mr. B. Rajaram.  
 Pandya, Mr. Vidya Sagar.  
 Parma Nand, Bhai.  
 Patil, Rao Bahadur B. L.  
 Phookun, Mr. T. R.  
 Reddi, Mr. P. G.  
 Sant Singh, Sardar.  
 Sen, Mr. S. C.  
 Sen, Pandit Satyendra Nath.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampan, Mr. K. P.  
 Uppli Saheb Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir Joseph Bore (Leader of the House) : Sir, I think it will be meeting the convenience of the House if I make the announcement that the Government do not intend to move the motion which stands in the name of my Honourable friend, Mr. G. S. Bajpai, in respect of the Bill known as the Muallims Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Tomorrow, when the Assam Criminal Law Amendment (Supplementary) Bill is finished, the House will pass on to the motion standing in the name of Lieut.-Colonel Lumby regarding the Indian Army (Amendment) Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 14th August, 1934.



## LEGISLATIVE ASSEMBLY.

*Tuesday, 14th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock,  
Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

**The Honourable Sir Henry Craik :** Sir, the answer to this question is a very long one, and I propose, with your permission, to lay it on the Table.

**Mr. Gaya Prasad Singh :** Will not this curtail the right of Members to have facilities for understanding and asking supplementary questions ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable the Home Member has spoken to the Chair about this. It seems the answer of the Government is a very long one, and, therefore, it will be placed on the table so that Members can read it.

**Mr. H. P. Mody :** What about supplementary questions ? Will another opportunity for these be given ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Certainly. Whenever statements are laid on the table, the Honourable Members get a chance of reading these at their leisure and asking more questions afterwards. Supplementary questions will arise out of those questions which are published, later on.

**Mr. H. P. Mody :** But for those questions we require ten days' notice and would you direct that they may be put earlier on a particular date ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair will have to think about that. This is a new procedure of course. The point is that when Honourable Members ask certain questions for which the answer is a very long one containing an elaborate statement of the policy of the Government, that obviously cannot be read out on the floor of the House, and the usual practice is to lay the statement on the table. Whether it would be proper to allow supplementary questions to be asked after two or three days' notice is a new suggestion which the Chair would like to think over.

**Maulvi Muhammad Shafee Daoodi :** On the basis of that statement, we might like to put short notice questions possibly within a short time.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair will have to think over that.

**Mr. T. R. Phookun :** Could any Member, if he likes, put any supplementary question now, even without reading the answer ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : No.

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The Honourable the Leader of the House is not well and the questions that are due for him to answer will be postponed.

### COMMUNIST PARTY IN INDIA.

545. \***Mr. Gaya Prasad Singh** : (a) Have Government declared the Communist Party in India as an unlawful Association under Act XIV of 1908 ? If so, what are the declared aims and objects of the Party, and by what methods does it seek to achieve them ?

(b) Who are the present office-bearers of the Party, and what is the approximate number of its members in the country ?

**The Honourable Sir Henry Craik** : (a) Yes. It has been held judicially by the Allahabad High Court in the Meerut Conspiracy Case that the aims of the Communist Party of India are those of the Communist International. The High Court stated that there was no doubt in their minds that the violent overthrow of the present order of society and bringing about the independence of India by means of an armed revolution was not a distant but an immediate object of the party. The methods by which the party seeks to achieve this object were stated in the judgment of the High Court to be mass action which included :

“ Strikes ; a combination of strikes and demonstrations ; a combination of strikes and armed demonstrations ; and finally the general strike conjointly with armed insurrection against the State power of the Bourgeoisie.”

The High Court, further, stated that :

“ the whole programme from beginning to end shows, without a shadow of doubt, that the programme laid down is the overthrow of the existing order of society and Government by the use of force with ultimate resort to arms.”

The Communist Party of India has laid down in its Draft Platform of Action the following tasks :

- “ (1) The complete independence of India by the violent overthrow of British rule. The cancellation of all debts. The confiscation and nationalisation of all British factories, banks, railways, sea and river transport and plantations.
- (2) The establishment of a Soviet Government. The realisation of the right of national minorities to self-determination including separation. Abolition of the Indian States. The creation of an Indian Federal Workers' and Peasants' Soviet Republic.
- (3) The confiscation without compensation of all the lands, forests and other property of the landlords, ruling princes, churches, the British Government, officials and moneylenders, and handing them over for use to the toiling peasantry. Cancellation of slave agreements and all the indebtedness of the peasantry to moneylenders and banks.”

The more important of the stated methods by which the Party may achieve these aims are as follows :

- “ (1) To develop a general strike and convert it into a general political strike.
- (2) To develop the spontaneous peasant movement for the non-payment of rent, debts and taxes into an All-India movement and direct it into the channels of an agrarian revolution.
- (3) To develop a nation-wide movement for independence, attracting the petty bourgeoisie to it besides workers and peasants and isolating the bourgeoisie and the bourgeois national Congress.
- (4) To spread revolutionary propaganda among the soldiers and police and to explain to them the necessity of their armed insurrection together with the masses of the country against British rule.”

These are quotations from a document issued by the Central Committee of the Communist Party of India in February, 1934.

The aims of the Communist International, on which the programme of the Communist Party of India is based, are summarised in the report of the Fish Committee, appointed by the House of Representatives in the United States of America to investigate the activities and propaganda of the Communists in the United States of America, as follows :

- “ (1) hatred of God and all forms of religion ;
- (2) destruction of private property and inheritance ; absolute social, and racial equality ; promotion of class hatred ; revolutionary propaganda through the Communist International stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war ;
- (3) destruction of all forms of representative or democratic government, including civil liberties such as freedom of speech of the Press, of Assembly and trial by jury ;
- (4) the ultimate and final objective is, by means of world revolution, to establish the dictatorship of the so-called proletariat into one world union of Soviet Socialist Republics, *with the capital at Moscow.*”

In views of the judicial findings of the Allahabad High Court and of other evidence available to Government regarding this Party, Government were satisfied that the Communist Party of India is an association which has for its object interference with the administration of the law and the maintenance of law and order and constitutes a danger to the public peace. It has, therefore, been declared to be unlawful under the provisions of section 16 of the Indian Criminal Law Amendment Act, 1908.

(b) It is not in the public interest to make any statement on this subject.

†546\*--548\*.

#### REPRESENTATION OF MUSLIMS OF BERAR IN THE LEGISLATIVE ASSEMBLY.

549. \*Khan Bahadur H. M. Wilayatullah : (a) Will Government be pleased to state how many Members represent the people of Berar in this House ?

(b) Is it a fact that the Member from Berar, is first elected by a separate electorate consisting of Hindus only, and is subsequently nominated by Government on the result of the election ?

(c) Is it a fact that Muslims of Berar have no share in the election ?

(d) Who represents the Muslims of Berar in this House ?

(e) Are the Muslims of Berar given representation by rotation or nomination or in any other way ? If not, do Government propose to consider the desirability of nominating a Muslim Member from Berar after the ensuing elections ?

Mr. H. A. F. Metcalfe. The information asked for on certain points has been called for and a reply will be given to the House in due course.

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†These questions will be answered on the 15th August, 1934.

**PAY OF EMPLOYEES DEMOTED ON ACCOUNT OF RETRENCHMENT ON THEIR  
RE-EMPLOYMENT ON THE NORTH WESTERN RAILWAY.**

550. \***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state what the orders are regarding the grant of pay to employees demoted in 1931-32 'Retrenchment campaign' on restoration to their original appointments ?

(b) Is it a fact that it has been ruled by the Agent, North Western Railway, Lahore, that employees demoted on account of retrenchment, on their re-promotion to their original appointments, should be given the same salary they were drawing before their demotion ?

(c) Is it a fact that in pursuance of this policy, certain Grade II guards who were demoted as Tally Clerks and were in receipt of Rs. 51 per mensem as Tally Clerks, have on their restoration as Guards grade II, been given Rs. 46 only, in terms of the Agent, North Western Railway's orders referred to in part (b) ?

(d) Will Government please state whether the decision of the Agent, North Western Railway, Lahore, referred to in part (b) is in accordance with Fundamental Rule 22 ? If not, how was the same allowed to operate in contravention of the Fundamental Rules ?

(e) Are Government aware that the North Western Railway Union, vide their No. 351, dated the 3rd/5th April, 1934, had made a representation to the Agent, North Western Railway, Lahore, in connection with the above ruling, pointing out that the Agent's orders were in contravention of the Fundamental Rules ?

(f) Is it a fact that the Agent, North Western Railway, did not reply to the Union's representation, and that the employees continued to lose in their salaries ?

(g) What steps do Government propose to take to expedite a decision on the point raised by the Union and further see that the provisions of the Fundamental Rules are not infringed by the North Western Railway Agency ?

**Mr. P. R. Rau** : (a) I would refer the Honourable Member to paragraph 16 (iii) of the Memorandum accompanying Railway Board's letter, No. 381-L., dated the 20th July, 1932, a copy of which is already in the Library of the House.

(b) to (g). I have called for certain information and will lay a reply on the table of the House in due course.

**SLAUGHTER OF NEWLY BORN LAMBS AND KIDS FOR THE EXPORT OF THEIR  
SKINS.**

551. \***Shaikh Sadiq Hasan** : (a) Are Government aware that, particularly in the Punjab and the North-West Frontier Province, very large numbers of newly born lambs and kids are being slaughtered for export of their skins ?

(b) Are Government aware that this practice is devastating the sheep and goat breeding and gradually causing scarcity of wool and skins

in the Punjab and the North-West Frontier Province ? If so, what steps do Government propose to take in order to stop this economic menace ?

**Mr. G. S. Bajpai :** (a) and (b). Government have no precise information but will remit the matter to the Imperial Council of Agricultural Research for enquiry.

#### INDIAN PROTECTOR OF PILGRIMS IN IRAQ.

**552. \*Shaikh Sadiq Hasan :** (a) Will Government be pleased to state when the appointment of Indian Protector of Pilgrims was created in Iraq, and who was appointed to the post ?

(b) How many complaints have been received against the said official ?

(c) Is it a fact that the representative of His Majesty's Government in Iraq ordered inquiries to be made about the said official and the Criminal Investigation Department of Iraq instituted inquiries ?

(d) Is it a fact that, along with several other irregularities, it was found that the said official misused the Oudh Bequest Fund at his disposal, in as much as he gave Rs. 200 per mensem to his near relative who went to England to prosecute his studies ?

(e) If the answers to parts (c) and (d) be in the affirmative, what action have Government taken in the matter ? If no action has so far been taken, what action do Government propose to take now ?

**Mr. H. A. F. Metcalfe :** (a) The appointment of Protector of Indian Pilgrims, Iraq, was created with effect from the 1st December, 1928, and Mr. Tahir Hussain Quraishi was appointed to the post.

(b) A number of complaints have been received in the past against both the Protector of Indian Pilgrims in Iraq and against the Committee charged with distribution, under his supervision, of Oudh Bequest Funds. On investigation these have proved in the majority of cases to be quite unfounded and to have emanated from interested parties anxious to secure for themselves a large share of the funds. Charges against the Protector of Indian Pilgrims have in no case been substantiated.

(c) No enquiries have ever been ordered by any representative of His Majesty's Government in Iraq. All complaints have, however, been carefully investigated as already stated.

(d) The answer is in the negative nor have any such suggestions ever been made.

(e) Does not arise. It may, however, be explained that the distribution of Oudh Bequest Funds is in the hands of the Committee with whom the Protector of Indian Pilgrims sits to check accountancy and to prevent duplicate payments and other possible irregularities. The Protector of Indian Pilgrims is responsible to His Majesty's Consul, Baghdad, who himself attends or deputes one of his staff to attend distributions at suitable intervals. The distributions are now proceeding very smoothly and satisfactorily.

#### INDIAN PROTECTOR OF PILGRIMS IN IRAQ.

**553. \*Shaikh Sadiq Hasan :** (a) Will Government be pleased to state if it is a fact that the representative of His Majesty's Government

in Iraq, wrote to the Government of India, Foreign and Political Department, suggesting the abolition of the post of Indian Protector of Pilgrims and the creation of the post of Indian Vice-Consul at Baghdad instead ?

(b) Is it a fact that Government invited recommendations from all Provincial Governments to submit names of suitable candidates for the said appointment ?

(c) If the answers to parts (a) and (b) be in the affirmative, what action have Government taken in the matter ?

**Mr. H. A. F. Metcalfe :** (a) Yes.

(b) and (c). Certain Local Governments and Administrations were asked to recommend candidates for the post of Vice-Consul, but none of those suggested appeared to His Majesty's representative in Iraq to be entirely suitable. For this reason and also owing to the difficulty of finding other employment in India for the officer who at present holds the post of Protector of Pilgrims, it has been agreed to postpone for the time being the appointment of a Vice-Consul.

#### ANTI-GOVERNMENT ACTIVITIES OF THE BRANCH POSTMASTER, PADHANA, LAHORE DISTRICT.

554. **\*Major Nawab Ahmad Nawaz Khan :** (a) Is it a fact that Government Servants' Conduct Rules call for serious action against Government officials participating in political meetings and anti-Government propaganda carried on by Congress ?

(b) Is it a fact that some time back, the Deputy Commissioner, Lahore, reported to the Superintendent of Post Offices about the anti-Government activities of the Branch Post Master, Padhana, District Lahore ?

(c) Is it a fact that on receiving this report, no enquiry was made and the official was only transferred for a short period and re-transferred to the same locality ?

(d) Will Government please state when this matter came to the notice of the Post Master General and what disciplinary action was taken by him ? If none, why not ?

**The Honourable Sir Frank Noyce :** (a) The Honourable Member is referred to rules 22 and 23 of the Government Servants' Conduct Rules, a copy of which is in the Library of the House.

(b) to (d). Government have no information and do not propose to call for it as the matter is one within the competence of the Postmaster-General to whom a copy of the question and of this reply will be sent.

#### PERSONS DETAINED UNDER REGULATION III OF 1818.

555. **\*Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the number of persons in India who are detained today under Regulation III of 1818 ?

(b) Will Government be pleased to state if it is a fact that most of the persons detained under Regulation III of 1818 are allowed allowances for the maintenance of their families ?

(c) Will Government be pleased to state the names of the persons detained today under Regulation III of 1818 giving :

- (i) the places at which they are detained ;
- (ii) the periods for which they are already under detention ;
- (iii) the allowances they are receiving ; and
- (iv) the charges on which they are being detained ?

**The Honourable Sir Henry Craik :** (a), (b) and (c) (ii) (iii). I lay a statement on the table giving the information required.

(c) (i) and (iv). I am afraid I cannot undertake to give information on these points.

*Statement showing the Allowances sanctioned for State Prisoners detained under Regulation III of 1818, and for their Families.*

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
1	Sarat Chandra Bose ..	4-2-32	Rs. 225 p. m. ..	Rs. 1,500 p. m.	
2	Pratul Chandra Ganguli	23-11-31	Rs. 1-4-0 a day for diet <i>plus</i> Rs. 32 a month.	Rs. 50 p.m.	
3	Trilokya Nath Chakrabarty.	Do.	Do.	Nil.	
4	Rabindra Mohan Sen Gupta.	25-11-31	Do.	Nil.	
5	Ramesh Chandra Acharjee.	Do.	Do.	Rs. 55 p. m.	
6	Pratul Chandra Bhattacharji.	23-11-31	Do.	Nil.	
7	Jiban Lal Chatterjee ..	Do.	Do.	Rs. 40 p. m.	
8	Suresh Chandra Das ..	2-1-32	Do.	Rs. 100 p. m.	
9	Manoranjan Gupta ..	24-11-31	Rs. 1-6-0 per day for diet <i>plus</i> Rs. 32 p. m.	Nil.	
10	Arun Chandra Guha ..	Do.	Do.	Nil.	
11	Bhupendra Kumar Datta	Do.	Do.	Rs. 20 p. m.	
12	Satya Bhushan Gupta ..	Do.	Do.	Rs. 50 p. m.	
13	Joytish Chandra Ghosh	1-1-32	Rs. 1-8-0 per day for diet <i>plus</i> Rs. 20 p. m. as personal Alloc.	Rs. 60 p. m.	
14	Surendra Mohan Ghosh	23-11-31	Do.	Rs. 30 p. m.	
15	Purna Chandra Das ..	1-1-32	Do.	Rs. 60 p. m.	
16	Bhupati Mazumdar ..	2-1-32	Do.	Rs. 165 p. m.	

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
17	Rasik Lal Das ..	2-1-32	Ra. 0-12-0 a day for diet <i>plus</i> Ra. 32 monthly.	<i>Nil.</i>	
18	Bhupat Kumar Rakshit Roy.	Do.	Do.	Rs. 75 p.m.	
19	Abdul Ghaffar Khan ..	24-12-31	Rs. 200 consolidated alloe.	<i>Nil.</i>	
20	Dr. Khan Sahib ..	24-12-31	Rs. 200 consolidated allowance.	Rs. 500 p. m. <i>plus</i> an additional sum of Rs. 200 p. m. during period his son and daughter by his English wife are residing in England for purposes of education.	
21	Ihsan Elahi .. ..	9-2-31	Rs. 1-6-0 dietary allowance <i>plus</i> Rs. 32 per mensem.	<i>Nil.</i>	
22	Teja Singh <i>alias</i> Isher Singh.	5-10-33	Do. ..	Rs. 75 per mensem.	
23	Karam Singh .. ..	21-5-31	Do. ..	<i>Nil.</i>	
24	Chaman Lal Azad ..	8-4-33	Do. ..	<i>Nil.</i>	
25	Bhawani Sahai ..	26-4-32	Rs. 0-12-0 a day for diet <i>plus</i> Rs. 10 per mensem.	<i>Nil.</i>	
26	Vishwanath Rao Vaishampayan.	16-8-33	Rs. 1-12-0 a day for diet <i>plus</i> Rs. 36 per mensem.	<i>Nil.</i>	
27	Vidya Bhushan ..	4-2-33	Do. ..	Rs. 30 per mensem.	
28	Ram Kishan .. ..	7-7-34	Question of allowance is under consideration.		
29	U. Ariyawantha ..	30-8-33	Rs. 65 per mensem	<i>Nil.</i>	
30	Sardar Abdul Aziz Khan	27-12-23	Rs. 310 p.m. ..	Rs. 325 p.m. ..	Includes Rs. 60 as house rent.
31	Hussainyavar Khanji (ex-Talugdar of Sardargadh).	12-2-34	Rs. 500 p.m.* ..	..	* Paid by the Sardargadh Taluka in the Western India States Agency.
32	Sardar Abdul Rahman Khan.	3-6-26	Rs. 600 p.m.		
33	Sardar Abdul Hakim Khan.	14-3-30	Rs. 150 p.m.		
34	Sardar Amin Jan ..	14-3-30	Rs. 250 p.m.		

No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner		Remarks.
			Himself.	His family and dependents.	
35	Ghausuddin Khan ..	12-5-30	Rs. 500 p.m.		
36	Sardar Abdulla Khan ..	21-12-25	Rs. 300 p.m.		
37	Sardar Abdul Hamid Khan.	21-12-25	Rs. 250 p.m.		
38	Sardar Abdul Quayyam Khan.	27-7-34	Rs. 225 p.m.		
39	Rippudaman (alias Sardar Guru Charan Singh), Ex-Maharaja of Nabha.	Arrived in Kodai-kanal 22-2-28	Rs. 10,000 p.m.*	..	* Receives funds from the Nabha State.
40	Khan Baba Paghman ..	15-11-32	Rs. 30 p.m.† ..	..	† In addition annas 10 per diem for diet.
41	Mohd. Din Khairokhel Laghman, Afghanistan.	15-11-32	Rs. 30 p.m. ..	..	Do.
42	Abdul Majid Aziz Ahad	15-11-32	Rs. 50 p.m. ..	..	Do.
43	Abdul Hakim ..	15-11-32	Rs. 50 p.m. ..	..	Do.
44	Mohd. Sadiq ..	15-11-32	Rs. 30 p.m. ..	..	Do.
45	Ata Mohanmad ..	15-11-32	Rs. 30 p.m. ..	Rs. 30 p.m. ..	Do.
46	Ghulam Nabi ..	15-11-32	Rs. 30 p.m. ..	..	Do.
47	Ismail ..	15-11-33	Rs. 30 p.m. ..	..	Do.
48	Mohd. Jan Deh ..	15-11-33	Rs. 30 p.m. ..	..	Do.
49	Abdul Qaddus ..	18-11-33	Rs. 32 p.m. ..	Rs. 60 p.m. ..	In addition Rs. 1-6 per diem for diet.
50	Muhammad Ibrahim ..	18-11-33	Rs. 32 p.m. ..	..	Do.
51	Muhammad Hussain ..	18-11-33	Rs. 32 p.m. ..	..	Do.
52	Ali Ahnrad ..	18-11-33	Rs. 32 p.m. ..	..	Do.
53	Khwaja Abdul Karim	23-12-33	Rs. 30 p.m. ..	Rs. 40 p.m. ..	Do.
54	Muhanmad Nasir ..	23-12-33	Rs. 30 p.m. ..	..	Do.
55	Sardar Muhammad Azam Khan.	Since 1919	Rs. 300 p.m. ..	..	
56	Sardar Muhammad Akram Khan.	Since 1919	Rs. 400 p.m. ..	..	
57	Sardar Muhammad Afzal Khan.	14-1-29	..	..	
58	Sardar Sultan Ahmad Khan.	20-3-17	Rs. 300 p.m. ..	..	
59	Sardar Sher Ahmad Khan	20-3-17	Rs. 250 p.m. ..	..	
60	Sardar Muhammad Sarwar Khan.	20-3-17	Rs. 250 p.m. ..	..	



No.	Name of State Prisoner.	Date of arrest.	Amount of allowances sanctioned for State Prisoner.		Remarks.
			Himself.	His family and dependents.	
61	Sardar Nur Ahmed Khan	20-3-17	Rs. 250 p.m. ..	..	
62	Sardar Abdur Rashid Khan.	20-3-17	Rs. 150 p.m. ..	..	
63	Sardar Muhammad Umar Khan (Allahabad).	20-3-17	Rs. 250 p.m. ..	..	
64	Muhammad Hassan Khan	14-1-29	Rs. 200 p.m. ..	..	
65	Sardar Abdus Samad Khan.	14-1-29	..	..	
66	Sardar Abdur Rahman Khan.	14-1-29	Rs. 320 p.m. ..	..	
67	Sardar Muhammad Umar Khan (Dhara Dun).	14-1-29	Rs. 100 p.m. ..	..	
68	Sardar Gul Muhammad Khan.	14-1-29	Rs. 100 p.m. ..	..	
69	Abdul Ali Khan ..	14-1-29	Rs. 350 p.m. ..	..	
70	Abdur Rahim Khan ..	14-1-29	Rs. 250 p.m. ..	..	
71	Abdur Rauf Khan ..	14-1-29	..	..	
72	Sardar Muhammad Azim Khan.	14-1-19	Rs. 100 p.m. ..	..	
73	Sardar Muhammad Mobain Khan.	14-1-29	Rs. 100 p.m. ..	..	

**Sardar Sant Singh :** May I know who are the persons who have been detained for the longest period, and what is that period ?

**The Honourable Sir Henry Craik :** I am afraid I cannot say straight off without going through the statement ; it will take me a minute or two to go through the statement.

#### ACTIVITIES OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

556. **\*Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state how much money it has cost them to establish and maintain the Forest Research Institute at Dehra Dun, and what is its annual recurring expenditure ?

(b) What are the activities of this Institute and how many industries have been started with its help ?

(c) Out of the concerns started with the help of this Institute, if any, what is the percentage of concerns managed by Indians ?

(d) What steps has this Institute taken to educate the public of India to utilise forest products for industrial purposes ?

**Mr. G. S. Bajpai :** (a) to (d). A statement giving such information as is available is laid on the table.

*Statement re. Activities of the Forest Research Institute, Dehra Dun, the expenditure incurred on its construction, etc.*

(a) Sanction exists for the expenditure of a sum of Rs. 1,10,98,400 on the Forest Research Institute project but expenditure on construction up to the end of March, 1934, has been only Rs. 96.73 lakhs. The average expenditure on its maintenance is Rs. 37,000 per annum. Recurring expenditure on the Institute varies from year to year but the average of the past three years is about Rs. 6 lakhs.

(b) The activities of the Institute consist mainly in carrying out research on forest produce, the results of which may be of practical utility to Government and the public, lead to the greater commercial utilisation of forest products and add to scientific knowledge. Very considerable help has been afforded to the Rosin and Turpentine, Plywood, Cabinet making, pulp and paper, match and other wood using industries of India. Research work has also been carried out in the chemistry of drugs and medicinal plants, in cutch, tanning materials, grass oils and other products. It is not possible to say how many industries have been started with the help of this Institute, but as I have already stated many industries have benefited by the work of the Institute.

(c) Government have no information.

(d) The Institute issues an annual report "Forest Research in India" and a large number of publications which record the results of its work and which are available to the public. In addition several museums and show rooms are maintained at the Institute which are visited by a large number of interested persons. The Institute also possesses a permanent travelling exhibit, photographs, magic lantern slides and cinema films.

#### ACTIVITIES OF THE FOREST RESEARCH INSTITUTE, DEHRA DUN.

557. **\*Mr. Sitakanta Mahapatra :** (a) How are the affairs and activities of the Forest Research Institute managed? Are they managed by a Board consisting of Indians who represent the industrialists? If not, why not?

(b) How many Indian students have qualified from the Institute and are all of them in the employment of the State or some other authority?

**Mr. G. S. Bajpai :** (a) The Forest Research Institute is administered by the President under the orders of the Government of India. Triennial programmes of research work are prepared in consultation with Provincial Forest Departments. There is a Board of Forestry consisting of the Inspector General of Forests and the Chief Forest Officers of Provinces to advise the Government of India on the management and work of the Institute and on general problems connected with forestry, whether administrative or scientific, which may be referred to it by Government. Close touch is maintained with the trades concerned through the Forest Economist and the sectional officers concerned. A proposal to create an Advisory Board on which Commerce and Industry would be represented has been worked out but, owing to financial stringency, it has not so far materialised.

(b) The Institute does not receive students.

#### ACTIVITIES OF THE MINING INSTITUTE, DHANBAD.

558. **\*Mr. Sitakanta Mahapatra :** (a) What have been the activities of the Mining Institute at Dhanbad?

(b) What percentage of the qualified pupils of this Institute are taken in State services ?

(c) What has been the total cost of the Institute in establishing it and what is the annual recurring expenditure ?

(d) How is the management of this Institute conducted ?

(e) Are the results of the researches of this Institute duly circulated widely enough for the benefit of the general public ? If not, why not ?

**Mr. E. W. Perry :** The Honourable Member is presumably referring to the Indian School of Mines at Dhanbad.

With regard to parts (a) and (d) of the question, his attention is invited to the Prospectus of the School, which includes a copy of the Principal's Annual Report. Copies of the Prospectus are available in the Library of the House.

(b) Government have not reserved any percentage of vacancies in the public services for passed students of the Indian School of Mines as they consider it undesirable in the public interest that a candidate should be selected to a service in preference to others of equal or greater merit by reason only of the fact that he was trained in a particular institution.

(c) The total cost of the buildings and equipment of the Indian School of Mines, including residences for staff, etc., up to the end of the year 1930-31, was Rs. 15,50,000 approximately. The annual recurring expenditure varies from year to year ; the grant for the current financial year is Rs. 1.66,000.

(e) The School of Mines is primarily a teaching institution. The Honourable Member may rest assured that the desirability of publishing the results of research undertaken at it will not be overlooked.

**Mr. Gaya Prasad Singh :** In view of the fact that the Indian School of Mines, Dhanbad, is doing very good work, what steps do Government propose to take to encourage the students by helping them to get appointments after they have finished their course of study in that institution ?

**Mr. E. W. Perry :** My information, Sir, is that at the end of last year for which we have figures (1932-33), every passed student obtained a post very quickly.

#### CONVERSION OF ORES OF MINERALS INTO METAL.

559. **\*Mr. Sitakanta Mahapatra :** What steps, if any, have Government taken to convert the ores of the different minerals into metal in India through Indian concerns ? If no steps have been taken, what is the reason ?

**Mr. E. W. Perry :** I regret that I do not follow the Honourable Member's question. The initiative in the matter of conversion of mineral ore into metal does not rest with Government.

#### AIMS AND OBJECTS OF THE RESEARCHES OF THE FOREST AND MINING INSTITUTES.

560. **\*Mr. Sitakanta Mahapatra :** What are the aims and objects of the researches of the Forest and Mining Institutes ?

**Mr. G. S. Bajpai :** As regards the aims and objects of the researches of the Forest Research Institute, Dehra Dun, the Honourable Member is referred to the reply just given to question No. 556. Although the School of Mines is primarily a teaching institution research work of a miscellaneous character for the benefit of the Indian coal producer and consumer has been carried on there for a number of years. The question of putting this research on a more systematic basis is under the consideration of the Government of India.

#### CONVERSION OF ORES OF MINERALS INTO METAL.

561. **\*Mr. Sitakanta Mahapatra :** (a) Is it a fact that the best Indian copper mines are in the hands of an English concern incorporated in England under the name of the "Indian Copper Corporation"?

(b) Was any chance ever given to any Indian concern to convert ore into metal in India? If so, in what direction and to whom?

**Mr. E. W. Perry :** (a) More than half of the copper ore produced in India in the last calendar year for which figures are available, namely 1932, was obtained from the Indian Copper Corporation's mines in the Singhbhum District.

(b) The Honourable Member is as well aware as I am, that Indian concerns convert ore into metal in India. We have been discussing the affairs of one very important concern of this character this Session. If his question refers only to copper ore, I have no precise information. The question concerns the provincial transferred subject of "Development of Industries".

#### PUBLICATIONS CONCERNING INDIAN MINERALS.

562. **\*Mr. Sitakanta Mahapatra :** Are the publications concerning the Indian minerals and the possibilities of utilising them in India published in the form of separate pamphlets as is done in England? If not, why not?

**Mr. E. W. Perry :** The Government of India have published numerous separate pamphlets on Indian minerals and their commercial possibilities. Recent examples are the volumes on barytes and asbestos in the Memoirs of the Geological Survey of India. Other pamphlets have been issued in a cheaper form. I should be glad to consider suggestions, but would point out that our Geological Survey has a much smaller staff than its counterpart in England.

#### ACTIVITIES OF THE INDIAN LAC RESEARCH INSTITUTE.

563. **\*Mr. Sitakanta Mahapatra :** (a) What have been the activities of the Indian Lac Research Institute so far, and what has been the total amount of expenditure up-to-date?

(b) Why have not the results of their researches received publication in newspapers and what encouragement has been afforded to Indians to utilise the results of such researches, if any, to the benefit of the industry in India?

**Mr. G. S. Bajpai :** (a) The attention of the Honourable Member is invited to the annual reports and bulletins of the Institute, copies of

which are available in the Library of the House. The total expenditure on the Institute since March, 1922, up to the end of March, 1934, was approximately Rs. 16,00,000.

(b) The results of the researches are published in the annual reports, technical bulletins and pamphlets of the Institute. They have been reviewed in the technical Press both in India and abroad and noticed in the daily Press. The bulletins and research notes of the Institute are widely distributed and are available to all who are interested in the production, manufacture or industrial utilisation of lac.

**Dr. Ziauddin Ahmad** : May I ask who pays the expenses of this Institute, the Lac Cess Committee or the Government ?

**Mr. G. S. Bajpai** : The Lac Cess Committee which raises its revenue from the producers of lac.

†564\*—566\*.

#### TECHNICAL INSTITUTIONS IN INDIA.

567. **\*Mr. Sitakanta Mahapatra** : (a) Will Government be pleased to state the number of technical institutions in India, run or aided by Central Government, in each Province ?

(b) What is the annual expenditure on each of them and how many students come out successful every year, and what percentage of them are provided with employment by Government ?

**Mr. E. W. Perry** : Information has been called for and a reply will be placed on the table of the House in due course.

#### RAILWAY ADVERTISEMENTS IN THE VERNACULAR NEWSPAPERS.

568. **\*Dr. Ziauddin Ahmad** : (a) Will Government be pleased to state what is the percentage of the Indians who can read and speak English ?

(b) What is the proportion of Indians who can read and write vernaculars alone ?

(c) What proportion of the advertisements did the Railway Board and the Agents send to the vernacular papers ?

**Mr. P. B. Rau** : (a) and (b). I would refer my Honourable friend to Table XIII of Volume I of Part II of the Census Report for India, pages 426-27, which gives figures of literacy by age and religion.

(c) The Railway Board sends no advertisements to vernacular papers.

The information as regards Railway administrations is not available.

**Dr. Ziauddin Ahmad** : The Honourable gentleman has not given the reasons why these advertisements are not given to the vernacular papers ? Will he take it from me that the number of persons who can read only the vernacular papers is about ten times the number of those who can read English newspapers ?

**Mr. P. B. Rau** : I see that my Honourable friend has already got in his possession the information in regard to parts (a) and (b) of his

question. I may explain that what Railways are concerned with is to find out how they can reach the public whom they want to reach by means of advertisements. So far as the Railway Board is concerned, the only advertisements that they issue are in regard to the purchase of the rolling stock or of coal, and I do not think that anybody who reads only the vernacular newspapers is likely to be interested in them.

**Mr. S. C. Mitra :** Do the same remarks apply with regard to the advertisements issued by the various Agents ?

**Mr. P. R. Rau :** I have already said that I have no information as regards what Agents are doing.

**Dr. Ziauddin Ahmad :** We have said repeatedly on the floor of the House that the Railway Board here is responsible for all their subordinates including the Agents. My question was not only with regard to the advertisements issued by the Railway Board, but also with regard to the advertisements issued by the Agents and Divisional Superintendents of the different running lines.

**Mr. P. R. Rau :** If my Honourable friend wants the information particularly with regard to the Agents, I shall be happy to get it for him.

**Dr. Ziauddin Ahmad :** May I ask, Sir, why the Government ignore the vernacular papers in giving their advertisements ?

**Mr. P. R. Rau :** I am not in a position to say whether Government are ignoring the vernacular papers, because I am not aware of all the advertisements that are being sent by the Railway Administration to them, but so far as the Railway Board is concerned, I have already explained why Government considered it unnecessary to send advertisements to them.

**Dr. Ziauddin Ahmad :** My question was : What percentage of their advertisements do the Agents send to the vernacular papers ?

**Mr. P. R. Rau :** I have said already that I will get that information for my Honourable friend.

**Dr. Ziauddin Ahmad :** And it will be laid on the table ?

**Mr. P. R. Rau :** Yes.

#### REPRESENTATIVES OF INDIAN STATES TO THE LEAGUE OF NATIONS.

569. **\*Dr. Ziauddin Ahmad :** (a) Is it a fact that some subjects of the Indian States have been employed by the International Labour Office as regular members of its staff, though none of the Indian States are bound by any international labour convention ?

(b) Are Government aware that none of the Geneva Conventions (of a non-political character) have been accepted by the Indian States ?

(c) Will Government be pleased to state the need of incorporating the representatives of these States in the Government of India's Delegations to the League ?

**The Honourable Sir Nripendra Sircar :** (a) Government are not aware whether any of the Indians, employed by the International Labour Office, are subjects of States in India.

(b) Government are not in a position to make any statement regarding action taken in those parts of India which are not included in British India.

(c) Inasmuch as the Indian Delegation represents India as a whole, it would be anomalous to confine their personnel to representatives drawn from British India.

**Mr. Gaya Prasad Singh :** With reference to part (a) of the question, may I know if Indians are appointed in this International Labour Office without any reference to the Government of India ?

**The Honourable Sir Nripendra Sircar :** So far as I am aware, no reference is made to the Government of India.

**Dr. Ziauddin Ahmad :** How is the selection made and in what way this Labour Office or its Secretary finds out the qualifications of the Indians ? Are the posts advertised ?

**The Honourable Sir Nripendra Sircar :** I am not in a position to tell my Honourable friend as to how the man who is employing a clerk comes to know of his qualifications. We have no information on the matter.

**Mr. H. P. Mody :** Do I understand that the Government of India do not take any trouble to ascertain which of the important Conventions have been ratified by the States or implemented by them ?

**The Honourable Sir Nripendra Sircar :** The Honourable Member himself must be surely aware which of the Conventions have been implemented.

**Mr. H. P. Mody :** But do not the Government of India think it necessary to compile information on this subject and place it on the table of the House ?

**The Honourable Sir Nripendra Sircar :** Speaking for myself, I cannot see any objection, and if the point is pressed I shall have to consider it.

**Mr. H. P. Mody :** May I suggest to my Honourable friend that this information would be of extreme importance ?

**The Honourable Sir Nripendra Sircar :** I shall consider this point.

**Dr. Ziauddin Ahmad :** In view of the fact that the Indian States are not bound to follow the Convention of the League of Nations, may I ask how far it is desirable to include the members of the Indian States in the Indian Delegation ?

**The Honourable Sir Nripendra Sircar :** A specific question raising that very point has been sent for answer, and I would ask my Honourable friend to wait for a couple of days.

#### UTILISATION BY INDIA OF THE TECHNICAL ORGANISATIONS OF THE LEAGUE OF NATIONS.

570. \***Dr. Ziauddin Ahmad :** (a) Is it a fact that a number of States-Members of the League—more especially China—have utilised the technical services of the League for national reconstruction, for example,

improvement of the transport system, agriculture, education, health organisation ?

(b) Have the Government of India availed of the services which the Technical Organisations of the League are capable of giving ? If not, why not ?

**The Honourable Sir Nripendra Sircar :** (a) The answer is in the affirmative.

(b) The Government of India have had no occasion to follow China's example in soliciting specific assistance from any of the League's technical services, but it is very far from being the case that the Government of India have made no use of their services.

**Dr. Ziauddin Ahmad :** Is it not a fact that there are very important questions waiting for solution such as malaria, cholera, and, therefore, is it not desirable that we should utilise the services and the resources of the League of Nations instead of putting burden on the tax-payer of India ?

**Mr. G. S. Bajpai :** May I answer that question, Sir, because my Honourable friend has made reference to malaria and cholera ? The position is that in 1929 the League sent out a Malaria Commission to this country in order to advise the Government of India in regard to such measures as they, in the light of their experience elsewhere, considered to be suited to India's needs. Over and above that, the League organises malaria courses every year to which we, that is to say, the Provincial Governments, send officers, and there have been other ways also in which the Government of India have made use of the League's epidemiological and other technical services.

**Dr. Ziauddin Ahmad :** Will Government be pleased to ask the League of Nations to send their representatives to India to deliver a course of lectures on the prevention of malaria ?

**Mr. G. S. Bajpai :** Well, Sir, seeing that we maintain a Malaria Survey of our own, which, I think, costs Government in the neighbourhood of a lakh and a half, and, further each Province has its own Public Health Departments including Malarial Experts, I do not think it is really necessary that we should ask the League of Nations to depute anybody to this country to instruct us in a subject about which we know just as much as they do.

**Mr. B. Das :** Did not the Government of India avail themselves of the services of Sir Arthur Salter and did he not submit a report on the economic re-construction of India which has been made use of by the Finance Department ?

**Mr. G. S. Bajpai :** My Honourable friend has correctly stated that Sir Arthur Salter came out to this country two years ago, but I think, since then he has severed his connection with the Economic Section of the League of Nations.

**Mr. Gaya Prasad Singh :** Is it open to the Government of India to communicate with the League of Nations except through the Secretary of State for India ?

**Mr. G. S. Bajpai :** Well, Sir, the position, as far as I know is that inasmuch as the Secretary of State for India is responsible for India's



external relations and as our membership of the League of Nations is a manifestation of India's external status, communications pass through the Secretary of State.

**Dr. Ziauddin Ahmad :** May I ask the Government of India that as the question about the competition between the road and rail is of such a great importance and is getting more and more important in India, will they get an expert from the League of Nations to advise us on this question ?

**Mr. G. S. Bajpai :** I think that my Honourable friend, the Financial Commissioner for Railways, will take due note of my Honourable friend's suggestion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Next question.

#### INDIA'S REPRESENTATIVES TO THE LEAGUE OF NATIONS.

571. **\*Dr. Ziauddin Ahmad :** Are Government prepared to consider that steps should be taken to include in India's Delegation to the League of Nations each year (i) at least one Member of the Governor General's Executive Council, and (ii) one Member of the Opposition in the Legislative Assembly, the latter being selected by the Members of this House and the Council of State ?

**The Honourable Sir Nripendra Sircar :** Government must reserve absolute discretion to select what appears to them to be the best available delegation in the circumstances of any particular year, and if only for the reason that there may well be occasions on which it would be impossible to dispense with the presence in India of any Member of the Executive Council, they cannot lay upon themselves the rule of including a Member of the Executive Council in every delegation. The selection of a member of the delegation by the Members of the Legislative Assembly and the Council of State from among Members of the Opposition in the Assembly would, manifestly, be incompatible with the fact that delegates are bound by instructions which they receive from the Government.

**Sir Abdur Rahim :** Have they been given a brief ?

**The Honourable Sir Nripendra Sircar :** Yes. You may call it a brief.

#### DISCUSSION OF THE REPORTS OF THE INDIAN DELEGATION TO THE LEAGUE OF NATIONS IN THE LEGISLATIVE ASSEMBLY.

572. **\*Dr. Ziauddin Ahmad :** Do Government propose to give an opportunity to this House to discuss the reports of the Indian Delegation to the League of Nations ?

**The Honourable Sir Nripendra Sircar :** The Honourable Member is referred to my reply to part (c) to his own question No. 503, answered on the 9th August, 1934. If Government are made aware through the recognised channel of Party Leaders that there was a general desire to discuss any future report otherwise than on a Resolution making specific recommendations with reference thereto they would certainly be prepared to consider the possibility of allotting time for the purpose.

**Dr. Ziauddin Ahmad :** Does it include a discussion on the report for 1933 ?

**The Honourable Sir Nripendra Sircar :** My answer was that they would be prepared to consider any future report.

**Dr. Ziauddin Ahmad :** That is the report for 1934 and of later dates, and not the latest report available.

**The Honourable Sir Nripendra Sircar :** I have not considered that but I think that you are all anxious to get away from this place.

**Dr. Ziauddin Ahmad :** Since the latest report available is the 1933 report, can we have an opportunity of discussing that report before this Assembly disperses ?

**The Honourable Sir Nripendra Sircar :** I do not think that is likely, having regard to the time at our disposal.

**earmarking of a Portion of India's Contribution to the League of Nations for the Maintenance of the Paris Institute of Intellectual Co-operation, etc.**

573. **\*Dr. Ziauddin Ahmad :** (a) Have Government asked the League of Nations that certain portions of India's contribution for the maintenance of the League should be earmarked for the Paris International Institute of Intellectual Co-operation, the Rome Institute of Educational Cinematography, etc., which are run under the auspices of the League, but which are to a certain extent autonomous bodies ?

(b) Is there any Indian on the staff of the Paris Institute of Intellectual Co-operation ?

**The Honourable Sir Nripendra Sircar :** (a) No.

(b) The Government of India have no information on the subject.

**REPRESENTATIVE OF THE GOVERNMENT OF INDIA ON THE LAC CESS COMMITTEE.**

574. **\*Mr. G. Morgan :** (a) Is it a fact that the Government of India are represented on the Lac Cess Committee by the Vice-Chairman of the Imperial Council of Agricultural Research ? If so, what are the position and powers of this Government representative ?

(b) Is it a fact that the Department of the Government of India, which deals with the Lac Cess Committee questions, does so through the Imperial Council of Agricultural Research ?

**Mr. G. S. Bajpai :** (a) The Vice-Chairman, Imperial Council of Agricultural Research, is *ex-officio* President of the Committee. His powers as President are regulated by the Indian Lac Cess Act and the rules made under the Act, copies of which are available in the Library of the House.

(b) The Imperial Council of Agricultural Research, on its administrative side, is a Department of the Government of India, and questions connected with the Indian Lac Cess Committee have been allotted to it under the rules of business.

**Mr. K. G. Neogy :** Is the Honourable Member aware that there is a section of the Indian public which holds that the control exercised

by the Government over the activities of the Lac Cess Committee is not adequate ?

**Mr. G. S. Bajpai :** The questions and answers on this subject in this Session, I think, have amply demonstrated that not only is there a section outside, but a section inside this House, that considers that the control is not as effective as they would wish it to be.

**Mr. Gaya Prasad Singh :** A very important section inside this House.

#### ACTION ON CERTAIN RESOLUTIONS ADOPTED BY THE LAC CESS COMMITTEE.

575. \***Mr. G. Morgan :** (a) Is it a fact that Government have so far taken no action on the following resolutions adopted by the Lac Cess Committee :

(i) to delegate its powers to an Executive Sub-Committee (resolution of October, 1933), and

(ii) resolution of March, 1934, recommending leave rules for employees,

and that up to date the Committee has adopted no rules and consequently its employees have great difficulty in applying for leave when required ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what action they intend to take in order to give effect to the Resolution of October, 1933 ?

**Mr. G. S. Bajpai :** (a) (i) and (b). Yes. The matter is still under consideration.

(a) (ii). The position is not as stated in the question. In October, 1933, the Indian Lac Cess Committee passed a resolution adopting the leave rules contained in the Fundamental Rules and Supplementary Rules of the Government of India as the leave rules for employees of the Indian Lac Cess Committee. These proposals were sanctioned by Government and these leave rules are in force. In March, 1934, a resolution was passed by the Committee, the effect of which would be to grant further concessions not admissible under the Fundamental Rules. This proposal is under examination.

**Mr. B. Das :** In the matter of delegation of power to the Executive Committee, will the Government bear in mind the facts that have been pointed out by this side of the House and will the Government delegate no further power to this Executive Committee which consists mostly of laymen ?

**Mr. G. S. Bajpai :** The position is that at the present moment there is no executive sub-committee.

**Mr. Gaya Prasad Singh :** Will the Honourable Member state the composition of this Committee and whether officials and European members do not predominate there ?

**Mr. G. S. Bajpai :** I have answered several questions on that point before. The composition of the committee is given in sub-section (1) of section 4 of the Indian Lac Cess Act, and if the House desires, I can read it out. So far as the actual racial proportion is concerned, the

position is that at the present moment including Indian officials there is a preponderance of Indians ?

**Mr. Gaya Prasad Singh :** Including, Indian officials.

**Mr. B. Das :** But mostly laymen.

**PROVIDENT FUND ACCOUNTS OF EMPLOYEES OF THE LAC CESS COMMITTEE.**

**576. \*Mr. G. Morgan :** (a) Is it a fact that the Provident Fund accounts of employees, of the Lac Cess Committee, have not been properly maintained under the President's supervision, and that the Audit Department has been asked to reconstruct them for the last three years ?

(b) Is it a fact that the Committee in March last recommended renewal of the contracts of certain employees and that the Government of India have taken no steps in the matter ?

**Mr. G. S. Bajpai :** (a) The Provident Fund Accounts are maintained by the Secretary. The audit report for 1932-33 showed that the accounts had not been maintained in the proper form. Arrangements were accordingly made for the accounts to be prepared in the prescribed form by the Audit Department.

(b) Yes. The matter is under consideration.

**Mr. K. C. Neogy :** Are the accounts and these audit reports regularly published by Government as perhaps required by the rules ?

**Mr. G. S. Bajpai :** The audit reports are printed and submitted to the Government of India, but I could not say offhand as to whether they are actually published. But if my Honourable friend desires that they should be published, I will have that suggestion considered.

**Mr. Gaya Prasad Singh :** Is this audit report placed before the Public Accounts Committee ?

**Mr. G. S. Bajpai :** No, Sir, because the accounts of the Committee and their funds do not pass through the accounts of the Government of India at all. They are entirely separate.

**Mr. K. C. Neogy :** Is it a fact that the audit reports in the past few years have disclosed irregularities of accounts of a certain character ?

**Mr. G. S. Bajpai :** I think the irregularities that have been revealed by the audit report are all of a minor character, but they have laid stress upon certain concessions being enjoyed by the staff which they consider to be incompatible with the Fundamental Rules.

**Mr. K. C. Neogy :** Is that matter under the consideration of the Government of India ?

**Mr. G. S. Bajpai :** The Government of India have already considered that matter and find that inasmuch as most of these concessions are guaranteed to these officers by contracts which are still in force, the question of modifying these concessions can more suitably be taken up when the contracts terminate.

**Mr. B. Das :** Does the Vice-Chairman of the Imperial Council of Agricultural Research, who is the President, examine these contracts before they are actually contracted for ?

**Mr. G. S. Bajpai :** As I have already informed the House on a previous occasion, the existing contracts were started before the Vice-Chairman became the President of the Committee.

#### AMENDMENT OF THE LAC CESS ACT.

577. **\*Mr. G. Morgan :** Do Government propose to consider the question of amending the Lac Cess Act in order to remove the anomaly of the administrative department of Government being also represented on the Executive of the Committee ?

**Mr. G. S. Bajpai :** Government do not consider the presence of the Vice-Chairman, Imperial Council of Agricultural Research, on the Indian Lac Cess Committee to be anomalous. The second part of the question, does not, therefore, arise.

**Mr. K. C. Neogy :** His presence will rather be inconvenient for some people.

#### APPOINTMENT OF INDIAN TERRITORIAL FORCE OFFICERS TO THE CANTONMENTS DEPARTMENT.

578. **\*Mr. Gaya Prasad Singh :** (a) Will Government kindly state how many Indian Territorial Force officers have been appointed to the Cantonments Department for the last two years ? If none, are Government aware that a few deserving officers of the Force would be passing the age limit, if their claims for employment to the department are not entertained ?

(b) Do Government propose to call for their applications in order to enable them to take their chances of appointment to the Cantonments Department ?

(c) If Government cannot immediately call for their applications, in justice to the claims of such of the officers who are now fully qualified for appointment with the department, will they condone a slight over-age in their cases if the recruitment begins at a later date so as not to debar them from entering this department ?

(d) Will the claims of these officers who are now eligible for employment in the Cantonments Department be adversely affected under the new scheme for recruitment for the posts of Cantonment Executive Officers ?

**Lieut.-Colonel A. F. R. Lumby :** (a) Two.

(b) and (c). Do not arise. Applications will, however, be called for when vacancies are likely to occur. I am afraid it would not be possible to waive the rule as regards age.

(d) The scheme is still under consideration, and I am, therefore, unable to give a definite answer.

#### PROVISION OF OPPORTUNITIES TO THE OFFICERS OF THE INDIAN TERRITORIAL FORCE FOR TRAINING WITH THE REGULAR UNITS.

579. **\*Mr. Gaya Prasad Singh :** With reference to their reply to my starred question No. 88 (c) of the 19th July, 1934, are Government prepared to provide opportunities to the officers of the Indian Territorial

Force for training with the Regular Units throughout the non-training periods of the Force in order to improve the military efficiency of the units? If so, do Government propose to take the necessary steps in this direction?

**Lieut.-Colonel A. F. R. Lumby :** The regulations permit of the training of officers of the Indian Territorial Force with regular units, at their own request and subject to the approval of the District Commander, up to the limit of the funds available for extra training. Practical effect is given to this rule, and, as stated in my reply to the Honourable Member's previous question, opportunities are provided annually for such training. I regret that at present no steps can be taken to increase the allotment of money made for this purpose.

**ALLEGED REPRESSIVE MEASURES TAKEN AGAINST KHAN ABDUL SAMAD KHAN AND MIR ABDUL AZIZ KHAN OF BALUCHISTAN.**

580. **\*Maulvi Muhammad Shafee Daoodi :** Are Government aware that the Karachi Baluchistan Reform Committee have issued a statement in regard to repressive measures taken against Khan Abdul Samad Khan Achakzai and Mir Abdul Aziz Khan Kurd, under the signatures of the following thirteen leading men of Karachi :

- (1) Jamshed Nusserwanji (Chairman), Mayor, Karachi,
- (2) Haji Abdullah Haroon, M.L.A.,
- (3) Naraindas A. Beehar, *ex-M.L.C.*,
- (4) Sheikh Abdul Majid, M.L.C.,
- (5) Ghazdar, M.L.C.,
- (6) Jethmal Parsram,
- (7) Tarachand J. Lalwani,
- (8) R. K. Sidhva,
- (9) Hatim A. Alvi,
- (10) D. P. Dastur,
- (11) Hakim Fateh Mahomed,
- (12) Mujtabba, and
- (13) Pirbux,

from their office Sindhuri, Bunder Road, Karachi?

**Mr. H. A. F. Metcalfe :** Yes.

**CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.**

581. **\*Maulvi Muhammad Shafee Daoodi :** (a) Are Government aware that Khan Abdul Samad Khan of Baluchistan had gone to Karachi in the beginning of January last?

(b) Is it a fact that a representative public meeting of the citizens of Karachi was called and influential men, like Mir Ayub Khan, First Class Magistrate and other title-holders were present at the meeting, and the Mayor of Karachi, Mr. Jamshed Nusserwanji, presided over the meeting?

(c) Is it a fact that Khan Abdul Samad Khan's speech in the meeting demanded for Baluchistan elementary rights of civic and political life ?

(d) Is it a fact that a resolution to that effect was unanimously adopted at that meeting and a committee was appointed to carry on the work ?

(e) Is it a fact that Khan Abdul Samad Khan left for Baluchistan after that meeting and soon after he was arrested in Baluchistan ?

(f) Is it a fact that he was arrested under section 40 of the Frontier Crimes Regulation Act, but the Pishin Court Magistrate charged him under section 124-A of the Indian Penal Code, and sent him for trial to the local *Jirga* of Pishin District ?

(g) Is it a fact that the *Jirga* at first sent back the case on the plea that they had no jurisdiction in the matter, but, eventually they found nothing wrong in the speech of the said Khan for which he was tried ?

(h) Is it a fact that the offence for which he was convicted, was one of making agitation in Karachi about the affairs of Baluchistan, and he was sentenced to simple A class imprisonment ?

(i) Is it a fact that the Quetta-Pishin Political Agent changed the simple A class imprisonment to hard labour for three years and demanded security for Rs. 3,000 after release ?

**Mr. H. A. F. Metcalfe :** The detailed information asked for is not available but the Local Administration have been asked for a full report and the information will be laid on the table in due course.

**Dr. Ziauddin Ahmad :** May I ask—perhaps the Law Member can answer—if it is legal for one Local Government to prosecute a person for an offence committed in another Province ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot have legal opinion without paying fees for it !

**Dr. Ziauddin Ahmad :** Was this prosecution correct legally ?

**Mr. H. A. F. Metcalfe :** It is, of course, impossible for me to give any legal opinion on that, but the point, I understand, was considered by the local judicial administration, and I am, as a matter of fact, making further inquiries into the point on which I will consult the Legislative Department in due course.

**Sardar Sant Singh :** May I know what were the qualifications of those persons, who constituted the *jirga*, to understand the law on the point ?

**Mr. H. A. F. Metcalfe :** I have no information at present as to who the members were who constituted the *jirga* : it is, therefore, quite impossible for me to say what their qualifications were.

**Sardar Sant Singh :** Does the Honourable Member know that the people in Quetta are absolutely dissatisfied that a crime like sedition should be referred to a *jirga* of illiterate persons ?

**Mr. H. A. F. Metcalfe :** I have no information on that point.

**Sardar Sant Singh :** May I inform my Honourable friend that I have recently visited Quetta and that there is a lot of feeling against this procedure by the Government on that point ?

**Mr. H. A. F. Metcalfe :** I do not know how recently the Honourable Member visited Quetta : when I visited it a year ago, there was no dissatisfaction.

**Sardar Sant Singh :** I only visited it in the month of July last.

**Dr. Ziauddin Ahmad :** May I know whether any person who comes into this country and commits an offence is entitled to demand that he should be tried according to the law of his own land and not the law of India ?

**Mr. H. A. F. Metcalfe :** The Honourable Member is again asking for a legal opinion which I am not prepared to give on the floor of the House.

**Mr. Gaya Prasad Singh :** Before launching this prosecution, was the Law Member or any legal authority consulted ?

**Mr. H. A. F. Metcalfe :** The opinion of the Government of India was certainly not taken. It is a matter within the competence of the local administration.

**Sardar Sant Singh :** Did the Honourable Member make inquiries as to the qualifications of the persons who constituted the *jirga* to decide a difficult and complex question like that of sedition ?

**Mr. H. A. F. Metcalfe :** I have already stated that I am making the fullest inquiries, but until I get the answers, I am not in a position to make a statement on the subject.

**Dr. Ziauddin Ahmad :** What is the procedure—not the legal opinion—in this country where a person who belongs to a foreign nation commits a crime in India ? Is he tried by Indian law or by the law of his own native country ?

**Mr. H. A. F. Metcalfe :** Unless he has extra-territorial rights, which, so far as I know, do not exist in India, he is tried by the law of the country.

**Sir Abdur Rahim :** Is a man, who is tried before a *jirga*, entitled to any professional legal assistance ?

**Mr. H. A. F. Metcalfe :** Actually, under the Frontier Crimes Regulation, which governs *jirga* procedure, legal assistance is not permitted. There is a definite section in that Regulation to this effect.

**Sir Abdur Rahim :** Are there any special reasons for refusing such assistance ?

**Mr. H. A. F. Metcalfe :** I assume there were special reasons when the particular section was framed, but that was a good many years ago, and I am not now in a position to state exactly what those reasons were.

**Sir Abdur Rahim :** Will the Honourable Member consider the advisability of revising that provision of the law then ?

**Mr. H. A. F. Metcalfe :** It can certainly be considered : I think it has often been considered before and so far no action has been taken to repeal that particular section of the Regulation.



**Dr. Ziauddin Ahmad :** Is it not a fact that once *jirga* has given its opinion and that opinion is not favoured by the A. G. G. or the authorities, the authority could dismiss that *jirga* and appoint another *jirga* and if necessary a third *jirga* till the required decision has been obtained ?

**Mr. H. A. F. Metcalfe :** If the Honourable Member will consult for himself the Frontier Crimes Regulation, he will find all the procedure laid down. If he wishes me to detail it on the floor of the House, I will attempt to do so, but it would seem to be more convenient that the Honourable Member should look up the Regulation himself.

**Dr. Ziauddin Ahmad :** I have looked up the Regulation, but I should like the House also to know whether it is not a fact that a *jirga* can be dismissed and a new *jirga* can be appointed, and another appointed in its place, and so on.

**Mr. H. A. F. Metcalfe :** May I explain, Sir, that that is not exactly the case. The position is that a *jirga* can be dissolved by the officer who convenes it, and then if the officer is dissatisfied with the opinion given by the *jirga* he is entitled, but only with the previous sanction of the Agent to the Governor General or the Chief Commissioner, as the case may be, to convene another *jirga* on the same subject. That is the legal position.

**Sir Abdur Rahim :** Is there any appeal allowed to any higher authority from the decision or sentence of a *jirga* ?

**Mr. H. A. F. Metcalfe :** The *jirga* does not really sentence at all : it is the officer who convenes the *jirga* who sentences : the *jirga* can only give an opinion, and the officer then, who has convened the *jirga*, pronounces an order on that opinion. The officer cannot convict unless the *jirga* convicts or gives an opinion in favour of conviction. Any conviction or any order passed by the officer, in pursuance of an opinion given by a *jirga*, can be revised by higher authority who is the A. G. G. in Baluchistan. There is no other appeal.

**Sir Abdur Rahim :** Is that appeal heard publicly and is there any professional legal assistance allowed to the appellant ?

**Mr. H. A. F. Metcalfe :** I have already explained that at no stage of the *jirga* proceedings are any legal practitioners allowed to appear. That is the position.

**Sir Abdur Rahim :** Is the proceeding before the appellate authority open to the public ?

**Mr. H. A. F. Metcalfe :** Any person who wishes can obtain a copy of the order of the revisional authority.

**Sir Abdur Rahim :** Does the appellate Court hear the appeal sitting in public ?

**Mr. H. A. F. Metcalfe :** Definitely, no.

**Mr. K. C. Neogy :** Will the Honourable the Home Member consider the desirability of substituting the *jirga* system for the Code of Criminal Procedure throughout British India ?

(No answer.)

**Mr. T. R. Phookun :** Are the proceedings of the revising Court recorded ?

**Mr. H. A. F. Metcalfe :** No : there is no record whatever, except the order passed by the revising authority.

**EXCHANGES FROM LOWER TO HIGHER LEVEL OF PHAGLI QUARTERS IN SIMLA.**

582. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Will Government please state whether under the Rules for allotment of Phagli Government quarters the exchanges from lower to higher level are made on 1st April of each year ?

(b) Will Government please state whether some of the clerks living in lower levels of quarters and who were allotted quarters from a lower level to a higher level could not be present in Simla on 1st April, 1934, on account of the late move of the Government of India ?

(c) Is it a fact that the local P. W. D. took advantage of the inability of their presence in Simla and gave the higher level quarters to their friends who were for the first time allotted Government quarters and were not entitled to occupy these quarters ?

(d) Will Government please state whether one of the persons namely Mr. Mohan Lal Bajaj who has been given quarters on a higher level under the above pretext, is a close relation of a Superintendent in the P. W. Branch of the Industries and Labour Department ?

**The Honourable Sir Frank Noyce** : (a) Applications for the allotment of quarters in Simla must be made to the Estate Officer by the 1st of July next before the financial year or the season for which an allotment is required. Allotments, including those made on the transfer of lien, are thus carried out some months before the 1st of April, the date on which the financial year and the Simla season commence. But it is correct that actual changes in the occupation of quarters are made with effect from the 1st of April in each year.

(b) Yes.

(c) No.

(d) The Honourable Member is, I think, under some misunderstanding. The only disadvantage, which a prospective tenant suffers, if he is unable to be present in Simla on the 1st of April, is that he may be put to some inconvenience if he has to move his personal effects from one set of quarters to another. The Executive Engineer requested the clerks whose liens had been transferred to send him their keys so that he might move their personal effects to their new quarters and might have their old quarters put in order for the incoming tenants. Mr. Mohan Lal Bajaj was allotted quarters on the lower level, but the outgoing tenant of those quarters, who was to occupy quarters on the higher level, failed to send his keys to the Executive Engineer or to vacate his old quarters. In the circumstances, Mr. Mohan Lal Bajaj, was permitted, for the current year only, to occupy the vacant quarters on the higher level. It is a fact that he is the nephew of a Superintendent in the Public Works Branch of the Industries and Labour Department, but in the circumstances this appears to me to be immaterial.

**ALLOTMENT OF QUARTERS IN SIMLA.**

583. \***Mr. Muhammad Muazzam Sahib Bahadur** : (a) Will Government please state whether under the Rules for allotment of quarters in Simla, preference is given to juniors in pay ?

(b) Will Government please state whether it is a fact that in accordance with the list despatched by the Indian Stores Department

Mr. Rajendra Singh being the junior most in pay was the senior most on the waiting list for Simla unorthodox quarters ?

(c) Is it a fact that his claims have been ignored and Mr. Chunni Lal Gurg, who being senior in pay and much junior on the waiting list referred to above, has been allotted quarters in preference to Mr. Rajendra Singh ?

(d) Will Government please state whether they have considered the desirability of investigating whether any of the P. W. D. officials have shown undue favour to certain clerks ?

(e) Will Government please state whether they are prepared to consider the amendment of the Rule so that the clerks who are unable to come up to Simla by the 1st April, on account of the late move of the Government of India, may not be victimised in this respect ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) and (c). There are two men named " Rajendra Singh " serving in the Indian Stores Department. The name included in the list to which the Honourable Member refers was that of Mr. Rajendra Singh I. Mr. Rajendra Singh I had elected to live in orthodox style and, under the orders of Government, clerks who had elected to live in unorthodox style had to be given preference over him. It subsequently appeared that the clerk who required unorthodox quarters was Mr. Rajendra Singh II, but it was necessary for the Estate Officer to act on the information supplied to him and his decision in favour of Mr. Chunni Lal Gurg was, therefore, correct.

(d) No.

(e) No amendment of the rules appears to be necessary. The allotments are made considerably in advance of the 1st of April in each year, and the presence of a particular clerk in Simla on that date has nothing to do with his title to occupy particular quarters.

#### REDUCTION IN THE DELHI CAMP ALLOWANCE OF THE ARMY HEADQUARTERS STAFF.

584. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that Government propose to reduce the Delhi Camp Allowance for the Members of the staff of the Army Headquarters, proceeding to Delhi, in order to give such of the staff as do not go to Delhi the benefit of the reduction ?

(b) Is it not a fact that the object of this allowance, is to compensate the staff for having to leave their permanent headquarters at Simla, on the same principle as the House Rent Allowance is given to the staff of the Civil Secretariat in Simla ?

(c) Is it a fact that this allowance has been enjoyed by the staff for many years ? If so, what is the reason for the proposed reduction ?

(d) Is it a fact that it is proposed to reduce the allowance out of all proportion to the present scale, and that the lower paid staff and lady clerks will be very adversely affected ?

(e) Are Government aware that the proposed reduction will operate very hardly on those who have to break up their homes in Simla and set up new homes in Delhi, and that the proposal is causing general dissatisfaction and alarm ?

(f) If the answers to parts (a), (b), (c), (d) and (e) above be in the affirmative, do Government propose to re-examine the matter fully and drop the proposal? If not, why not?

**Lieut.-Colonel A. F. R. Lumby :** (a) to (f). Proposal of this nature is under consideration. I am afraid, however, that I cannot at this stage give any details of it.

**PERCENTAGE ALLOTTED TO EUROPEANS AND ANGLO-INDIANS OF THE CONTROL STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.**

**585. \*Bhai Parma Nand :** (a) Is it a fact that the strength of the Control Staff is maintained at 50 per cent. Europeans and Anglo-Indians, and 50 per cent. Indians, on Metre Gauge System over the Bombay, Baroda and Central India Railway? If so, why is such high percentage allotted to Europeans and Anglo-Indians?

(b) Has any Indian Controller been promoted to Station Master's Branch, like European and Anglo-Indian Controllers, Messrs. Bickers and Garlings? If not, why not?

(c) Is it a fact that Messrs. Hemmer and Lamas are over and above the percentage and have been given Rs. 50 promotion from Rs. 70 to Rs. 120 as Probationary Controllers, although they are junior and over and above the percentage? If so, why?

(d) Is there any Indian trained Controller being given any such promotion? If not, why not?

(e) Is it a fact that the designation of European and Anglo-Indian Probationary Controllers after having their extraordinary lifts, was changed to Guard? Does this change allow them to earn allowance while working in Control? Is any Indian trained Controller treated in this manner, if not, why not?

(f) Is it a fact that the staff in general get some promotion after qualifying themselves for some higher grade and Indian trained Controllers are debarred the privilege? If so, why? Is the Agent, Bombay, Baroda and Central India Railway, ready to remove the racial discrimination from Metre Gauge and to accord the same treatment to the Indian trained Controllers with due consideration to their arduous duties and grant some promotions?

**Mr. P. B. Rau :** The information is being collected and will be laid on the table in due course.

**STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.**

**586. \*Mr. S. C. Mitra :** (a) With reference to the reply of the Honourable Mr. Haig to my supplementary question on the 21st September, 1932, that every effort is made to cause the least possible inconvenience to the public in connection with the stoppage of traffic on the Kalka-Simla Road—due to the tours of Their Excellencies, will Government be pleased to state on how many other occasions the inconvenience of the public officials other than His Excellency the Viceroy, and the Members of the Indian Legislature, due to the holding up of the cars on the Kalka-Simla Road on account of the journeys of Their Excellencies, has been ventilated through this House?

(b) Are Government aware that on the 21st July, 1934, a large number of cars were held up at Kandaghat owing to the tour of His Excellency the Viceroy to Kalka by road motor ?

(c) Are Government aware that cars were held up at Kandaghat without giving any notice to the road motor passengers at Kalka as to their possibility of being held up on the road for indefinite period ?

(d) Are Government aware that road motor passengers were not allowed even to halt at Solon by the police ?

(e) Will Government be pleased to state why no timely notice is issued to railway passengers at Kalka that the road motors are liable to be held up on the road ?

(f) Are Government aware that Col. Dickens who arrived at Kandaghat at 8 A.M. was held up till 10-35 A.M. ?

(g) Are Government aware that Mr. Ramsay Scott, M.L.A., arrived Kandaghat at 8-30 A.M. and was held up till 10-35 A.M. ?

**The Honourable Sir Henry Craik :** With your permission, Sir, I propose to reply to questions Nos. 586, 587, 588 and 589 together. I have made enquiries in the matter, and will lay the result on the table in due course.

#### STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†587. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the time that is taken ordinarily by road motors to reach Simla from Kandaghat ?

(b) Are Government aware that the questioner himself who was sick on that day arrived at Kandaghat at 9-15 A.M. and was also held up till 10-35 A.M. ?

(c) Are Government aware that the police staff and sergeant on duty at Kandaghat informed all the road motor passengers that Deputy Commissioner's orders are to hold up all motors irrespective of the position, status or emergency due to illness or any other emergencies concerning even life and death of persons ? If not, do Government propose to enquire into all the above grievances ? If not, why not ?

(d) Will Government be pleased to state the reasons for holding up of all cars at Kandaghat without any due notice being given to such passengers at Kalka ? Do Government propose to do so in future ? If not, why not ?

#### STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.

†588. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the cost of police arrangements due to Their Excellencies patronizing the road motors in preference to the State Railway Saloons ?

(b) Will Government be pleased to state since when Their Excellencies have begun to patronize road motor in preference to railway saloons between Kalka and Simla ?

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†For answer to this question, see answer to question No. 586.

(c) Are Government aware that the frequent use of the road motors by Their Excellencies is setting example to the public not to use the Kalka-Simla State Railway? If not, do they propose to enquire as to how far it is true? If not, why not?

(d) Will Government be pleased to state the number of times the road motor traffic was closed between Simla and Kalka and *vice versa* owing to the use of the road by Their Excellencies during the last one year from the 30th July, 1933, and the number of hours the road was closed to public traffic on each of such occasions?

**STOPPAGE OF TRAFFIC AT KANDAGHAT ON THE KALKA-SIMLA CART ROAD.**

†589. \***Mr. S. C. Mitra** : (a) Do Government propose to construct a railway motor saloon for Their Excellencies between the Viceregal Lodge, Simla, and Kalka for relieving the public of these inconveniences? If not, do Government propose not to close traffic of motors between Kalka and Simla when Their Excellencies use that road?

(b) Do Government propose to send a motor a mile in advance of Their Excellencies' car so that police may stop the traffic after such advance car has passed at definite spots?

**REDUCTION OF INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.**

590. \***Lala Rameshwar Prasad Bagla** : (a) Is it a fact that Lord Lytton was himself a delegate to the League of Nations and protested against the amount which was levied on India as contribution to the League of Nations?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they have taken in this direction?

(c) Have Government so far made any definite representation to the League of Nations with regard to the reduction of India's contribution? If not, why not?

**The Honourable Sir Nripendra Sircar** : (a) The Honourable Member is doubtless referring to the speech made by Lord Lytton, as Leader of the Indian Delegation to the 1928 Session of the Assembly of the League. The Honourable Member will find the speech reproduced in annex II of Appendix III to the Report of the Indian Delegates to that session.

(b) There are only two means by which a reduction could be secured in the amount of India's contribution to the League, namely, first, a reduction in the total expenditure of the League, and secondly, a reduction in the proportion of the total expenditure payable by India. If the Honourable Member will refer to the relevant passages in the reports of the Indian Delegations to the Sessions of the Assembly from 1930 to 1933 inclusive, he will find that India's Delegates have not failed to press for a reduction in the League's budget. As regards the second factor determining the amount of India's contribution, the Government of India have been constrained to agree with the view which has hitherto prevailed to the effect that the disturbed state of world economic conditions has not hitherto admitted and does not yet admit of the revision of the existing scale of

†For answer to this question, see answer to question No. 586.

allocation which has been in force since 1925. Indian Delegations have consequently received instructions in this sense.

(c) If the Honourable Member intends to suggest that the Government of India as such should address a representation in the matter to the Secretary General of the League, then I am afraid such suggestion is due to misapprehension as to the nature of the relations between the League as such and its individual members. It would be no less inappropriate for the Government of India to address a representation in the sense suggested to the Secretary General of the League than it would be for me to address to the Secretary of this Assembly a representation urging the Assembly to carry a motion. The question alike of the League's budget for any particular year and of the proportion payable by each member of the League can only be determined by the votes of members at a Session of the Assembly.

#### VOICE OF INDIA IN THE LEAGUE OF NATIONS INDEPENDENT OF GREAT BRITAIN.

591. \***Lala Rameshwar Prasad Bagla** : Will Government be pleased to state whether India, as an original member of the League of Nations, has a voice in the League of Nations independent of Great Britain ?

**The Honourable Sir Nripendra Sircar** : If the Honourable Member will refer to paragraph 4 of Article 3 of the Convention, he will find that every member of the League, whether Original or otherwise, has an independent voice in the League.

#### KEEPING OF A QUALIFIED NURSE OR MID-WIFE ON EVERY PILGRIM SHIP.

592. \***Khan Bahadur Haji Wajihuddin** : Is it a fact that the Haj Inquiry Committee has recommended that in addition to a female attendant on board the pilgrimage there should be a qualified nurse or a mid-wife on every pilgrimage, and if so, what action has been taken during the past two years in this connection ?

**Mr. G. S. Bajpai** : Yes. The Indian Pilgrim Ships Rules, 1933, provide that, in the case of a ship engaged to carry more than 100 pilgrims, the owner, agent or master shall, if there are any female pilgrims to be embarked, appoint one female attendant and, if possible, also a mid-wife or nurse, preferably a Muslim, to assist the medical officer.

#### REPORTS ON THE ACTIVITIES AND WORKING OF THE PORT HAJ COMMITTEES.

593. \***Khan Bahadur Haji Wajihuddin** : Is it a fact that the Haj Enquiry Committee has recommended that Port Haj Committees should concern themselves with all matters which may affect the pilgrimage and provide for the assistance and comfort of a pilgrim from the time even before he leaves his home till he returns to it ? If so, are Government prepared to lay on the table complete reports of the various Port Committees with regard to their activities and actual working of the organisations for the last Haj season ?

**Mr. G. S. Bajpai** : Yes. The Port Haj Committees at Calcutta, Bombay and Karachi, came into existence only in January, February and June, 1934, respectively, and no reports on their working have so

far been received by the Government of India. If these are received, copies will be placed in the Library of the House.

**COMPLAINTS OF HAJ PILGRIMS DURING THE LAST HAJ SEASON.**

**594. \*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Port Haj Committees of the various ports have submitted to the Government of India certain complaints reported to them by the pilgrims during the last Haj Season on their voyage to Jeddah and back, and if so, are Government prepared to lay on the table copies of such detailed complaints ?

**Mr. G. S. Bajpai :** Sir, with your permission, I shall answer questions Nos. 594, 597 and 598 together. As stated in my reply to starred question Nos. 61, 62 and 99 on the 18th July, 1934, the complaints in regard to the arrangements made for the supply of food to pilgrims on board pilgrim ships, to which the Honourable Member refers, have been under examination and will be placed before the Standing Haj Committee at their meeting to be held on the 25th August, 1934. The action to be taken will be decided upon by Government after the views of the Standing Haj Committee have been elicited.

**EXECUTIVE OFFICER OF THE PORT HAJ COMMITTEE AT BOMBAY.**

**595. \*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that of the three Executive Officers of the Port Haj Committees at Bombay, Karachi and Calcutta, the officer of the Bombay Committee should be of superior rank, corresponding to that of a Deputy Collector, on a pay of approximately Rs. 500 to Rs. 700, and if so, will Government be pleased to state the name, qualification and pay of the Bombay Executive Officer, and the name of the authority by whom he has been appointed ?

**Mr. G. S. Bajpai :** Yes. A statement giving the particulars asked for in the second part of the question is laid on the table.

*Statement regarding the Executive Officer of the Port Haj Committee, Bombay.*

In consultation with the Bombay Port Haj Committee, the Government of Bombay propose to appoint Mr. T. C. Mayan, (a Moplah Muslim) as Executive Officer of the Committee with effect from the 1st September, 1934, when the post of Protector of Pilgrims will be abolished. He will, in the first instance, be given the same emoluments as the present Protector of Pilgrims, Bombay, namely a pay of Rs. 250 per mensem *plus* a conveyance allowance of Rs. 50 per mensem and a house rent allowance of Rs. 50 per mensem. The question of raising the status and emoluments of the post has been held in abeyance pending an improvement in the financial position. Mr. Mayan's educational and other qualifications are as follows :—

Studied up to the Matriculation standard of the Madras University ; passed the Government Lower Secondary Examination. Knows Tamil, Malayalam, Urdu and Arabic languages. Worked as Accountant and Office Superintendent, Mesopotamia Expeditionary Force at Basrah and Baghdad, during the Great War.

Officiated as Head Clerk of the Bombay Pilgrim Department on two or three occasions ; 20 years' service in the Bombay Pilgrim Department.

Acted as accountant for working the Pilgrim Deposit System for about 8 years.

Acted as Secretary to all the Sub-Committees appointed from time to time by the Haj Committee, Bombay, for solution of important problems.

Honorary Secretary of the Bowla Mohammedan Female Orphanage at Chinchpokli.



**PHOTOGRAPH OF THE LICENSEE ON LICENSES GRANTED TO PILGRIM  
GUIDES.**

596. \***Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that the Haj Enquiry Committee has recommended that each license granted to Pilgrim Guide should bear a photograph of the licensee, and if so, are Government aware that all the leading and recognised headquarters of Ulemas ; such as *Darul Uloom* of Deobund, *Mazahirul Uloom* of Saharanpur, *Firangi Mahal* of Lucknow, and various Arabic Colleges in Agra, Cawnpore, Bareilly, Meerut, and other places of my constituency have found serious objections from purely a religious point of view in the proposal and are deadly against the said recommendation ?

(b) Do Government propose to consider the advisability of accepting in the usual way the signatures or thumb impressions of the licensees, in place of photographs, as has been recommended and applied for the Hedjaz pilgrims generally ?

**Mr. G. S. Bajpai** : (a) The reply to the first part is in the affirmative. The Government of India have not received any communication on the subject from the bodies referred to by the Honourable Member.

(b) The Honourable Member's suggestion has been noted.

**DEFECTIVE SYSTEM OF FOOD SUPPLY ON PILGRIM SHIPS.**

†597. \***Khan Bahadur Haji Wajihuddin** : Are Government aware that Khan Bahadur Abdul Hadi Khan, retired Deputy Collector and Magistrate of the United Provinces, who has been on Haj pilgrimage four times during recent years, has stated before the Port Haj Committee of Bombay that the present system of food supply on board the ship was defective during the last pilgrim season and would one day or another result in a riot on the steamer, and if so, do Government propose to consider the feasibility of removing the complaint by amending the Act so as to have " Pay as you buy " system introduced in place of the present arrangement ? If not, why not ?

**SUPPLY OF FOOD TO HAJ PILGRIMS ON SHIPS.**

†598. \***Khan Bahadur Haji Wajihuddin** : Are Government aware that Syed Sajjad Hyder, Deputy Collector of the United Provinces, who was " Amirul Haj " on board the outward pilgrimship " Rahmani " and also was one of the members of the Committee of pilgrims on the returning pilgrimship " Rizwani " during the last pilgrim season, has stated in his report that food tickets should not be made compulsory and the pilgrims should be allowed to buy their food according to their own taste and need, for cash payment, and if so, what action do Government propose to remove the undue restrictions imposed by the recent legislation upon Hedjaz pilgrims ? If not, why not ?

**GRATUITY GRANTED TO STATE RAILWAY EMPLOYEES.**

599. \***Khan Bahadur Haji Wajihuddin** : (a) Will Government be pleased to state if it is a fact that according to State Railway Gratuity Rule No. 1 (1929 edition), the grant of gratuities is entirely at the discretion of the Railway Board and that the gratuities cannot be claimed as of right ?

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†For answer to this question, see answer to question No. 594.

(b) Is it a fact that when an employee is held eligible for gratuity, the amount of gratuity to be paid to him is governed by Rule 19 (A) in respect of subordinate staff ?

(c) Is there any rule existing under which the amount of gratuity can be fixed at a lower rate than the one laid down in Rule No. 19 (A), (a) and (b), of the State Railway Gratuity Rule ?

(d) Is there any rule under which the amount of gratuity can be reduced to half of the one laid down in Rule No. 19 (A), (a) and (b), referred in part (c) above ?

(e) If the answers to parts (c) and (d) above be in the affirmative, will Government be pleased to lay on the table a copy of such rule and state why it is not printed in the State Railway Provident Fund and Gratuity Rule Book, corrected and published up to the 31st March, 1929 ?

**Mr. P. B. Rau :** (a) Yes.

(b) Rule 19 (A) prescribes the method of calculating the full amount of gratuity admissible for the period of qualifying service put in by an employee.

(c), (d) and (e). The Honourable Member is referred to rule (1) and the note thereunder of the Gratuity Rules.

#### LEAVE AND GRATUITY TO RAILWAY EMPLOYEES FOR HAVING FAILED IN EYE-SIGHT.

600. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state if an employee who is discharged from service for having failed in eye-sight can claim :

(i) all departmental leave due, and

(ii) full gratuity under Rule 19 (A) of the State Railway Provident Fund and Gratuity Rules ?

(b) Are there any circumstances under which such an employee, as mentioned in part (a) above, can be denied full gratuity and the departmental leave due ? If so, what are those circumstances and conditions ?

**Mr. P. B. Rau :** (a) and (b). As regards leave, the practice followed is being ascertained from Railway Administrations, and the information will be laid on the table in due course. As regards gratuity, an employee, permitted to retire on account of defective eye-sight, would normally be entitled to a gratuity, based on the length of his service, subject to his service being good, faithful and efficient.

#### ARRANGEMENTS FOR THE DISPOSAL OF COMPLAINTS OF ROBBERY AND CHEATING BY HAJ PILGRIMS.

601. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that arrangements should be made at each port of embarkation to depute an Honorary Magistrate or Bench of Magistrates with summary powers to dispose of complaints of robbery and cheating by pilgrims expeditiously, and if so, will Government be pleased to lay on the table a statement showing at each port of embarkation the names of officers appointed, the number of the cases filed, the number of convictions and the number of acquittals ? If no action in this connection has been taken as yet, why ?

**Mr. G. S. Bajpai :** Yes. The recommendations were carefully considered by Government in consultation with the Standing Committee on Pilgrimage to the Hedjaz, and it was decided that it was not practicable to give effect to it as it stood, but the Local Governments concerned were asked to see that everything possible was done to expedite the trial of complaints made by Haj pilgrims. Information regarding the number of cases filed, the number of convictions and the number of acquittals is not available.

#### NEUTRAL CONTROL SECTION OF THE INDIAN RAILWAY CONFERENCE ASSOCIATION.

602. **\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to enquire and state if the Neutral Control section of the Indian Railway Conference Association is a Branch of the State Railway management ?

(b) Is it controlled by the Railway Board ?

(c) Are the rules regarding seniority of service in this Neutral Control section the same as on other State Railways ?

(d) Is it a fact that the staff employed in this Neutral Control section is brought from different State Railways holding permanent posts there ?

(e) Is it a fact that very often there are reductions in the establishment of this Branch due to simplification of the methods of working ?

(f) If the reply to part (e) above be in the affirmative, will Government be pleased to state how many times reductions have taken place during the last five years, and how many employees have either been retrenched or demoted ?

(g) When reduction is foreshadowed, why are the employees brought from different State Railways, not returned to their respective Railways, and why are they thrown out of employment or their pay reduced ?

(h) Is it a fact that transfer to this Neutral Control section is ordered by the administration and is not volunteered by the employees ?

(i) On what principles is reduction or demotion carried out in this Branch ?

(j) Does seniority in this Branch count on total length of service or on length of service in the same class ?

**Mr. P. R. Rau :** (a) and (b). The Neutral Control Section of the Indian Railway Conference Association is a Branch of the Indian Railway Conference and is controlled by it.

(c) to (j). I have called for the information and shall lay a reply on the table in due course.

#### ISSUE OF RETURN TICKETS ON INDIAN RAILWAYS TO HAJ PILGRIMS.

603. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended in their Report that the Railway Board should be requested to grant return tickets of all classes, available for eight months, at the rate of a fare and a third, issuable at all railway stations on production of a pilgrim pass, and if so, will Government be

pleased to state what action has so far been taken by them in this direction ?

**Mr. P. R. Rau :** I would refer the Honourable member to the reply given by my predecessor to Mr. M. Maswood Ahmad's starred question No. 1127, on the 25th March, 1931.

**Maulvi Muhammad Shafee Daoodi :** What was that ?

**Mr. P. R. Rau :** If my Honourable friend does not want to consult the Assembly Proceedings of that date, I can tell him that the reply was as follows :

" The matter was carefully investigated in connection with a recommendation made by the Haj Inquiry Committee, and it was found that no reduction could possibly so stimulate the traffic as to avoid loss to the railways."

#### CONSTRUCTION OF SHEDS IN THE PILGRIM CAMP AT KARACHI.

604. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that of the four additional sheds proposed to be erected in the Pilgrim Camp at Karachi, two sheds are clearly necessary and should be erected at once ? If so, have these sheds been built since then or expected to be built in the near future ?

**Mr. G. S. Bajpai :** Yes. The two sheds were erected early in 1931.

#### COMPULSORY DEPOSITS BY HAJ PILGRIMS FOR THEIR TICKETS.

605. **\*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended in their Report that section 208-A of the Merchant Shipping Act should be amended so as to make a deposit compulsory to the exclusion of single and return tickets in all cases, and if so, what action have Government taken in the matter ? If not, why not ?

**Mr. G. S. Bajpai :** Yes. The Standing Haj Committee of the Legislature advised that the choice should be left to pilgrims themselves. Government have accepted this advice and both the deposit and return ticket systems have, therefore, been retained.

#### TEST CHECK EXERCISED AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

606. **\*Khan Bahadur Haji Wajihuddin :** (a) With reference to the reply to starred question No. 189, parts (a) and (b), given in this House on the 23rd July, 1934, will Government be pleased to state if it is a fact that a test check was exercised at Patna, Gaya and Arrah on the East Indian Railway for 24 hours at each station in May, 1934, by the combined Operating and Accounts staff ?

(b) Is it a fact that the Operating staff utilised for this check did not belong to a department independent of the department normally responsible for the check and collection of tickets, i.e., the Operating Department ?

(c) Is it a fact that this test check was exercised under the direct supervision of an Accounts Inspector ?

(d) Is it a fact that during the days this test check was exercised, regular Travelling Ticket Examiners and the usual Flying Squads of the

Operating Department worked on the running trains, specially on the area where this test check was being conducted ?

(e) Is it a fact that despite this intensified check by the Operating Department, this test check under the supervision of the Accounts Inspector yielded increased earnings of about Rs. 387 during 72 hours only ?

(f) Will Government be pleased to lay on the table a copy of the report submitted by the Accounts Inspector on the results of this test check ?

(g) Is it a fact that this joint check by Accounts and Operating staff conducted under the supervision of the Accounts Inspector showed a great improvement in :

- (i) the sale of platform tickets,
- (ii) the collection of tickets at gates (reducing percentage of missing tickets).
- (iii) the recoveries in respect of without ticket passengers, and
- (iv) the recoveries in respect of unbooked luggage ?

(h) If the reply to part (g) above. be in the affirmative, do Government propose to consider the suggestion contained in the concluding paragraph of the article "A suggestion to the Railway Board", referred to in the starred question No. 193, dated the 23rd July, 1934 ?

(i) Do Government propose to consider the desirability of keeping this Branch (Superchecking staff) independent of Operating control, as suggested by Dr. Ziauddin Ahmad, M.L.A., in the Railway Retrenchment Sub-Committee Report ?

**Mr. P. R. Rau :** (a) to (h). I have called for information and will lay a reply on the table of the House in due course.

(i) As I explained to the House recently in reply to another question, Government do not consider it desirable at present to make any change in the organisation of the department.

#### APPOINTMENT OF UNANI PHYSICIANS ON PILGRIM SHIPS.

**607. \*Khan Bahadur Haji Wajihuddin :** Is it a fact that the Haj Enquiry Committee has recommended that, when a second medical officer is required on board the ship, a diploma-holding Unani doctor should be appointed, because many pilgrims are not used to allopathic treatment and in some cases even entertain sentimental objection to it, and if so, what action has been taken by Government ? If none, why not ?

**Mr. G. S. Bajpai :** The answer to the first part is in the affirmative. The Standing Haj Committee of the Legislature, to which the matter was referred, was opposed to the adoption of the recommendation but suggested that, if any Port Haj Committee wished to make provision for the pay of a Unani doctor and his medicines on board ship, it should be left to them to arrange the details for his sailing by negotiation with the shipping company concerned. The Government of India accepted the advice of the Committee and brought the suggestion to the notice of the Port Haj Committees and shipping companies through the Local Governments concerned.

†608\*—609\*.

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†These questions will be answered on the 15th August, 1934.

PRISONERS DETAINED UNDER REGULATIONS III OF 1818.

610. \*Mr. Bhuput Singh : Will Government be pleased to state :

(a) the number of prisoners at present detained under Regulation III of 1818 and other allied Regulations ;

(b) the number of such prisoners at present under detention for suspected terrorist activities ; and

(c) the number of such prisoners at present under detention for the prevention of acts which may affect the foreign and external relations of British India ?

**The Honourable Sir Henry Craik :** (a) 90, including 46 who are not confined in jail but are subject to surveillance.

(b) 23.

(c) 42.

**Sardar Sant Singh :** May I know if this number 90 includes the case of Maharaja of Nabha ?

**The Honourable Sir Henry Craik :** Yes.

**Sardar Sant Singh :** For how long has he been detained now ?

**Mr. H. A. F. Metcalfe :** Sir, on a point of order. Is the Honourable Member permitted to ask questions which affect the relations between the Governor General and an Indian State ?

**Sardar Sant Singh :** I may explain my position.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What was the question ?

**Sardar Sant Singh :** My question was for how long the Maharaja of Nabha has been detained under Regulation III of 1818 ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Maharaja of Nabha ?

**Sardar Sant Singh :** Yes, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot ask that question.

**Sardar Sant Singh :** Sir, he has been deprived of the title of Maharaja, and he is now treated as a British subject. He is also confined in British territory, and, therefore, he is amenable to the jurisdiction of this House.

**Mr. Gaya Prasad Singh :** Can we not ask a question about a person who is interned in British territory under Regulation III ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Not about the Maharaja of Nabha.

**Mr. Gaya Prasad Singh :** He has ceased to be a Maharaja.

**Mr. B. Das :** Can we not ask questions about any foreigner interned in British India under Regulation III ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : No question can be asked about the detention of the Maharaja of Nabha or the ex-Maharaja of Nabha.

**CONCESSIONS PROPOSED TO BE GIVEN TO A BRITISH FIRM TO START CHEMICAL WORKS IN INDIA.**

**611. \*Mr. B. Das :** Will Government be pleased to state :

- (a) whether the Imperial Chemicals or any other firm, in Great Britain is at present negotiating with the Government of India for concessions in any part of India to start Chemical Works ;
- (b) whether such concessions are asked for a period of 50 years ; if not, whether it is for a shorter or a longer period ;
- (c) whether the said firm proposes to open its works in Dundot in Jhelum District (Punjab) for the purpose of exploiting the salt and lime resources of India ;
- (d) whether the said firm is giving any assurance that it will have rupee capital, it will allow its shares to be subscribed to in India, and its directorate will have a substantial proportion of Indian Directors as recommended by the External Capital Committee Report ;
- (e) whether Government propose to consult this House before giving any concession to this firm for exploiting the chemical wealth of India ; and
- (f) whether Government have made any attempt to find out if such chemical industries can be organised by any firms in India with rupee capital raised in India ?

**Mr. A. J. Raisman :** (a) to (f). A proposal of the general nature indicated is, at present, under the consideration of the Government of India and the Punjab Government. The Government of India do not consider that they are at liberty to disclose the details of the scheme which has been placed before them. In so far as the matter concerns "Development of mineral resources" and "Development of industries", it is one primarily for the Punjab Government, but the Government of India are concerned as the owner of certain waste material. Both Governments have, however, carefully considered the bearing of the recommendations of the External Capital Committee on the proposal, and have satisfied themselves that the course proposed is in accordance with the views of that Committee. I would especially invite the Honourable Member's attention to paragraph 30 of the Committee's Report, which deals with mining and similar concessions. The matter being of an administrative nature, and involving no expenditure of public funds, it is not necessary to bring it before the Legislature, before taking a final decision. I can only add that no proposal has ever been received from any other quarter for an attempt to utilize the waste materials in question.

**Mr. B. Das :** Will the Honourable Member kindly tell me whether the Government of India, before they granted any concession to this British firm, incorporated safeguards and conditions so that Indians will have the right of training and subscribing shares if the company was promoted in Rupee capital ?

**Mr. A. J. Raisman :** Sir, the position is that the recommendations of the External Capital Committee which the Honourable Member has in mind do not apply to cases of this nature, and if my friend will

refer to paragraph 30 of the Report of the External Capital Committee, he will see that that is the case.

**Mr. B. Das :** May I just read the last line of paragraph 30 :

"The general criterion being that concession should only be granted to external concerns where it is clearly in the national interest that they should be developed and where internal capital is not forthcoming on reasonable terms, and then only subject to such safeguards as may be suitable for each case."

May I inquire if the Government of India are putting such safeguards in the interests of the Indian people and the Indian nation ?

**Mr. A. J. Raisman :** The Government of India have considered what safeguards may or could suitably be introduced into this arrangement.

**Mr. Gaya Prasad Singh :** Will Government kindly state the exact nature of the concessions which they propose to give to this foreign concern ?

**Mr. A. J. Raisman :** As I have already pointed out, the Government of India are not at liberty to disclose the details of this scheme.

**Mr. B. Das :** Did the Government of India take any opportunity to acquaint the business men in India that waste products of salt were available for utilisation, and did they in any way communicate that to them ?

**Mr. A. J. Raisman :** Every business man who is at all interested in the mineral resources of India must know of the existence of these waste products.

**Mr. K. C. Neogy :** The Honourable Member stated that the Government have considered the question of imposing safeguards. What decision have Government come to on the point ?

**Mr. A. J. Raisman :** Government have not yet come to a final decision on the matter at all. But as regards the question of safeguards, they have not considered that safeguards of the nature indicated by the Honourable Member could suitably be imposed in this case.

**Mr. K. C. Neogy :** Have the Government considered any other alternative safeguards ?

**Mr. A. J. Raisman :** The Government of India have in mind safeguards to protect their own interests and the national assets in question.

**Mr. K. C. Neogy :** We are not concerned with the Government's own interests. We are concerned with the interests of the people of India.

**Mr. A. J. Raisman :** I consider that the safeguarding of the future of these assets is undoubtedly a safeguard for India.

**Mr. Gaya Prasad Singh :** What is the reason for entering into a contract with a foreign firm in this surreptitious manner ?

**Mr. A. J. Raisman :** The reason for contemplating a contract with a "foreign" firm is that no other firm has ever made the slightest suggestion on the subject. I must object to the use of the term "surreptitious". I am not aware that negotiations of this kind could be conducted by correspondence in the newspapers.



**Mr. K. C. Neogy** : Will the Honourable Member kindly give the name of the firm concerned ?

**Mr. A. J. Raisman** : It is given in the question, and I have said in reply that the Government are considering a proposal of the general nature indicated.

**Mr. K. C. Neogy** : Is it a fact that an *ex*-Viceroy of India is the Chairman of the Board of Directors of that Company ? (Laughter.)

**Mr. A. J. Raisman** : I believe that is so. (Laughter.)

**Mr. Gaya Prasad Singh** : What is the reason of the Government of India interesting themselves in a matter which primarily relates to a private foreign concern ?

**Mr. A. J. Raisman** : Because the Government of India are the owner of the material which the concern proposes to utilise.

**Mr. Gaya Prasad Singh** : Did the Government of India advertise in order to find out whether Indians were in a position to take up this business ?

**Mr. A. J. Raisman** : When a scheme is for the first time put before the Government for utilising certain waste material, which nobody has ever before proposed to utilise, it is hardly fair to the proposer to broadcast this suggestion and ask if anybody else would like to do it instead.

**Mr. Gaya Prasad Singh** : May I know how this foreign concern came to interest itself in these waste materials without the Government of India or the Government of Punjab giving the required information ?

**Mr. A. J. Raisman** : Because they exercised their own enterprise and looked round for things of this kind.

**Mr. Gaya Prasad Singh** : Is it because an *ex*-Viceroy of India is concerned in this matter that this special concession is being given to this foreign concern ?

**Mr. A. J. Raisman** : Certainly not.

**Mr. Gaya Prasad Singh** : That is protesting too much !

**Mr. F. E. James** : Is it not a fact that the firm mentioned in the question is not a foreign firm, but it is a firm which is established in this country ?

**Mr. A. J. Raisman** : It is a fact that the Imperial Chemicals (India), Limited, is registered in India.

**Mr. B. Das** : Is the Honourable Member aware that another trust, called the New Investment Trust, has been formed in India and in London, of which Sir Basil Blackett has become a Director, only to exploit the mining resources of India ?

**Mr. A. J. Raisman** : I am not aware of that, but I am quite prepared to take it from my Honourable friend.

**Mr. B. Das** : Has not the Honourable Member seen in the newspapers.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : He said the other day that he does not read newspapers ! (Laughter.)

**Mr. B. Das :** May I enquire for what purpose the office of the Director of Public Information exists when such an outstanding piece of news is published in the papers and it is not communicated to the Finance Department ?

**Mr. A. J. Raisman :** I would like to point out, Sir, as regards newspapers that by the time I have to leave my house and go to office, the newspaper is not always delivered to me. (Laughter.)

**Mr. B. Das :** May I further enquire when this New Investment Trust with British capital, entirely British capital, although with one or two Indian Directors from Bombay, try to exploit the mining resources of India, whether the Government will safeguard the interests of the Indian people and Indian business men ?

**Mr. A. J. Raisman :** That seems to be a hypothetical question. I do not see how it arises out of this particular matter.

**Mr. Gaya Prasad Singh :** The interest of India is a hypothetical question ? (Laughter.)

**Dr. Ziauddin Ahmad :** May I ask if the Government of India have framed certain rules under which these contracts could be given to foreign companies, and, if so, will the Government be pleased to lay a copy of the rules on the table ?

**Mr. A. J. Raisman :** The grant of mining concessions is regulated by certain rules known as the Mining Rules, but any details on the subject would be within the cognizance of the Department of Industries and Labour.

**Dr. Ziauddin Ahmad :** The grant of contract to a foreign company is not limited only to this case ; it really applies to many other cases. I should like to know whether Government have got any rules, and if not, is it not desirable that they should frame the conditions under which such contracts should be given, that is, about capital, raising some money in this country, registration, employment of Indians, payment to Government, etc. ?

**Mr. A. J. Raisman :** My Honourable friend has raised a question of principle relating to the grant of mining concessions. The position is that the subject of development of mineral resources belonging to the Government is a provincial subject, and ordinarily these concessions are given by the Provincial Governments, and the Government of India are not concerned. In this particular case, it so happened that some of the material involved belongs to the Salt Department of the Government of India and that is why we are concerned and why the Finance Department of the Government of India is dealing with this question. But the question of policy relating to mining concessions is part of the provincial subject "Development of Mineral resources", and it is not a matter with which the Central Government is primarily concerned.

**Dr. Ziauddin Ahmad :** May I ask if in this particular case the contract will be given by the Government of the Punjab or by the Government of India ?

**Mr. A. J. Raisman :** The matter relates to both Governments. The Government of the Punjab are concerned in so far as the policy relating to such matters is part of a provincial subject. The Government of

India are concerned, because some of the materials involved belong to the Salt Department of the Government of India.

**Mr. Gaya Prasad Singh :** But who ultimately will enter into this contract,—the Government of India or the Government of the Punjab ?

**Mr. A. J. Raisman :** From what I have stated, it will be clear that both Governments will be involved.

**Mr. B. V. Jadhav :** The Honourable Member, in replying to the question of Mr. James, said that the Imperial Chemicals (India) was registered in India. I should like to know whether that Company is a private registered company or a public registered company ?

**Mr. A. J. Raisman :** It is a private company.

**Mr. B. V. Jadhav :** So there are no Indian shareholders, I presume ?

**Mr. A. J. Raisman :** As far as I am aware, it is perfectly open to any Indian to buy the shares of the parent concern.

**Mr. B. V. Jadhav :** Not of a private limited company ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. Short notice question by Diwan Bahadur A. Ramaswami Mudaliar.

#### SHORT NOTICE QUESTION AND ANSWER.

##### FORTHCOMING GENERAL ELECTION.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is it a fact that the course to be adopted, as announced in His Excellency the Governor General's Message to this Assembly, with reference to the forthcoming general election, will render it necessary for an elected Member of the existing Assembly, who desires to stand for re-election to the new Assembly, to resign his seat on the existing Assembly so as to escape the disqualification imposed by clause (c) of sub-rule (1) of rule 5 of the Legislative Assembly Electoral Rules ?

**Mr. G. H. Spence :** No, Sir. Government foresaw this difficulty and took steps to remove it by adding a further proviso to sub-rule (1) of rule 5 of the Legislative Assembly Electoral Rules. The Notification, amending the rules by the insertion of this proviso, was published on pages 919-20 of the Gazette of India of the 4th August, 1934.

**Sir Abdur Rahim :** One of the results will be that there will be two Members for the same seat ?

**Mr. G. H. Spence :** No, that is not the result. The position is, assume, for instance, that the Honourable Member stands for election to the new Assembly, and assume also, though to our great regret, he is unsuccessful in his candidature—the position will be that up to the 31st December, 1934, the Honourable Member will remain a Member of the Assembly, and from the 1st January, 1935, his successful opponent will become a Member of the Assembly. Up to the 31st December, 1934, the successful opponent would have the status of a successful candidate at an election to the Assembly which is not in existence.

**Sir Abdur Rahim :** Successful candidate, but not a Member ?

**Mr. G. H. Spence :** Yes.

**Mr. Gaya Prasad Singh :** How can he be a Member without taking the oath of allegiance ?

### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been 12 Noon. received from the Council of State :

“ Sir, I am directed to inform you that the Council of State has, at its meeting held on the 13th August, 1934, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 30th July, and 7th August, 1934, namely :

1. A Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships ;
2. A Bill to give effect in British India to a Convention for the unification of certain rules relating to International Carriage by Air ;
3. A Bill further to amend the Sea Customs Act, 1878, for a certain purpose ; and
4. A Bill to make better provision for the control of the manufacture, possession, use, operation, sale, import and export of aircraft.”

### MOTION FOR THE EXPUNCTION OF CERTAIN PORTIONS FROM THE PROCEEDINGS OF THE ASSEMBLY.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move :

“ That the passages in the speech of the Honourable the Law Member relating to Orissa, which he delivered on the 8th August, 1934, in connection with the Naval Discipline Bill and the passages in the speech of Mr. Sitakanta Mahapatra, which he delivered on the 9th August, in reply to the Honourable the Law Member, in connection with the Resolution moved by Dr. DeSouza, which have been already indicated to the Honourable the President, be expunged from the proceedings.”

I may add that I move this motion with the concurrence of the two Honourable Members I have mentioned.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : These passages have been pointed out to the Chair by the Honourable the Law Member and Mr. Sitakanta Mahapatra, and if the House agrees, the Chair will have those passages expunged.

The question is :

“ That the passages in the speech of the Honourable the Law Member relating to Orissa, which he delivered on the 8th August, 1934, in connection with the Naval Discipline Bill and the passages in the speech of Mr. Sitakanta Mahapatra, which he delivered on the 9th August, in reply to the Honourable the Law Member, in connection with the Resolution moved by Dr. DeSouza, which have been already indicated to the Honourable the President, be expunged from the proceedings.”

The motion was adopted.

### THE ASSAM CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Assam Criminal Law Amendment (Supplementary) Bill.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Henry Craik** (Home Member) : Sir, I move :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed.”

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : I oppose this motion and I will only take a few minutes in giving some other stories regarding the veracity and the futility of having the Courts of Appeal in India. The Honourable the Home Member narrated the other day some stories justifying his position. Anybody, who devotes any time to reading the newspapers in India, knows the reports that we usually get, how the highest Courts in different Provinces pass strictures about the conduct of the police. Recently, within the last one week, I had occasion to notice at least two such cases. I do not like to go into the details of those cases unless I am contradicted, but, Sir, I like to tell the House about a well-known case that happened in Bengal known as Naraingar train-wrecking case. The police proved to the satisfaction of the Courts that the conspirators were guilty. They were punished with sentences ranging from penal servitude for life to several years. That incident happened, when there was an attempt on the train of the then Lieut. Governor of Bengal, Sir Andrew Fraser, while he was coming from Midnapore. After much police investigation there was a report. A conspiracy case was started against some of the railway coolies and the conviction was based on elaborate confessions not only from one but two or three of the accused.

[At this stage, the Honourable the Home Member crossed the floor of the House and sat in the Opposition Benches.]

Sir, I find the Honourable the Home Member has crossed the floor of the House to join the Opposition, and perhaps he agrees with me on the point of the veracity of the police.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : He has been converted by your speech !

**Mr. S. C. Mitra** : The Sessions Court, on the confession of some of the accused, delivered a long judgment and found them guilty. Some of them were sentenced to transportation for life. Subsequently, when the famous Alipore Conspiracy Case was started, on the confession of the principal accused, Mr. Barin Ghosh, it came out that the attempt for train wrecking was not the work of those coolies but was the action of the conspirators. Government was also convinced of the truth. So, Sir, it was found that though the whole conviction was based on confessions extracted by efficient police officers, to whom the Honourable the Home

Member gave long certificates only yesterday, Government had no option but to release those prisoners. So, Sir, it is hopeless if people are to be convicted on police reports, untested by proper cross-examination and the judicial procedure as regards evidence and other methods of trial. The only logical conclusion of the Honourable the Home Member's argument is to abolish all Appellate Courts of Law. When the Government have not seen its way to delete clause 3 of this Bill, Sir, I think the Opposition would be well-advised to throw out the whole Bill. Sir, I recommend that this Bill be thrown out by this House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to supplement the Assam Criminal Law Amendment Act, 1934, be passed.”

The Assembly divided :

AYES—17.

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna Raddi B.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Ghuznavi, Mr. A. H.  
Grantham, Mr. S. G.  
Hockenhull, Mr. F. W.  
Hudson, Sir Leslie.  
Ismail Ali Khan, Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin: Ahmad, Shams-ul-Ulema Mr.  
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
Lee, Mr. D. J. N.  
Lindsay, Sir Darey.

Lumby, Lieut.-Colonel A. F. R.  
Metcalfe, Mr. H. A. F.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Pandit, Rao Bahadur S. R.  
Perry, Mr. E. W.  
Rafiuddin Ahmad, Khan Bahadur Maulvi.  
Raghubir Singh, Rai Bahadur Kunwar.  
Raisman, Mr. A. J.  
Rajah, Rao Bahadur M. C.  
Ramakrishna, Mr. V.  
Rastogi, Rai Sahib Badri Lal.  
Rau, Mr. P. R.  
Richards, Mr. W. J. C.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Scott, Mr. W. L.  
Singh, Mr. Pradyumna Prashad.  
Sircar, The Honourable Sir Nripendra.  
Spence, Mr. G. H.  
Studd, Mr. E.  
Trivedi, Mr. C. M.  
Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad  
Zyn-ud-din, Khan Bahadur Mir.

NOES—22.

Abdur Rahim, Sir.  
Bhuput Sing, Mr.  
Das, Mr. B.  
Gour, Sir Hari Singh.  
Isra, Chaudhri.  
Jadhav, Mr. B. V.  
Lahiri Chaudhury, Mr. D. K.  
Liladhar Chaudhury, Seth.  
Mitra, Mr. S. C.  
Mody, Mr. H. P.  
Neogy, Mr. K. C.

Pandian, Mr. B. Rajaram.  
Parna Nand, Bhai.  
Phookun, Mr. T. R.  
Reddi, Mr. T. N. Ramakrishna.  
Sant Singh, Sardar.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Ziauddin Ahmad, Dr.

The motion was adopted. (Applause.)

## THE INDIAN ARMY (AMENDMENT) BILL.

**Lieut.-Colonel A. F. B. Lumby** (Army Secretary) : Sir, I beg to move : (Applause).

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration."

In July, 1932, following on the decision to start an Indian Military Academy at Dehra Dun and to create an Indian Air Force, Government issued a communiqué in which they said that the adoption of these measures provided a suitable occasion for making certain changes in organisation which were implicit in the evolution of a purely Indian Army and which would bring it into line with the armies of the Dominions and also with the economic requirements of India. The communiqué went on to say :

"It has, therefore, been decided, with the approval of His Majesty the King, to confer upon cadets passing out of the Indian Military Academy, and also upon entrants to the Indian Air Force, commissions in His Majesty's Indian Land Forces and His Majesty's Indian Air Force, respectively, in a similar form, for instance, to those now granted to officers of the Canadian Forces."

It is primarily to make legal provision for the officers to whom that communiqué referred, who will be the Indian Commissioned officers defined in its clause 5, that this Bill has been introduced. The urgency of the matter lies in the fact that the first batch of cadets will be passing out of the Indian Military Academy in a few months' time and will receive their commissions at the very beginning of next year.

Before I go any further, I think it might interest the House if I said a few words about the progress of the Academy and the manner in which the cadets are shaping. I want, first of all, to read to you part of the opinion of the Commandant. He says :

"The accumulated experience of the past two years tends to prove conclusively the wisdom of the view that an Indian Academy would be able to provide the most suitable and efficient training for the Indian officer of the future. It is possible for me to state with confidence that the Academy has already laid the foundations of traditions not unworthy of the great military institutions of England where Indian cadets have hitherto been trained."

This is the opinion of an officer who is too modest to say a great deal about what is, in effect, his own handiwork. It is undoubtedly a satisfactory opinion, but I feel that Honourable members who have themselves visited the Academy and seen the work there will bear me out when I say that the Commandant might have said a good deal more. The fact is that with a staff who believe absolutely in the correctness of the decision to give India a Military Academy of her own and with the full support of the whole army in India from the Commander-in-Chief downwards, the Academy has made a wonderful beginning. The cadets are keen as mustard and are really doing very well. The training they get there lasts for two and a half years as against the one and a half year's course at Sandhurst and, of course, much of the training is more in keeping with the Indian character and Indian conditions than the training at that institution. As a result, I think I am right in saying, that the military authorities are firmly convinced that even the first batch of cadets to pass out of the Academy will compare favourably with their predecessors from Sandhurst. The Indian Military College Committee expressed the opinion that the Indian officer who received his training at Sandhurst might develop a superiority complex in regard to the officer who received his training at a Military Academy in India. If such a complex shows itself among the Sandhurst

trained officers of the army, I have absolutely no doubt that the military authorities will deal rigorously with it, but even if that were not so, I do not think that any officer, who started to ~~add~~ such a complex, would do so for long ; for he would soon realise that he had really nothing to put on side about.

At the end of this year, the first batch of cadets will pass out of the Academy, and, as I told the House in reply to a question only the other day, the first batch will only consist of 23 instead of the full 30, because there has been a certain amount of wastage, as was only to be expected, and, this being the first term, it has not been possible for the military authorities to make it good in time to enable a full 30 cadets to pass out.

**Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) :** Does this number show only those who were admitted directly by examination or does it also include those who are risen from the ranks ?

**Lieut.-Colonel A. F. R. Lumby :** I am afraid I have not got the figures with me. I will try and get them and let you know later in the day. As I was saying, Sir, although the figure for the first half year will only be 23, there is no reason to expect that, as a result of the steps that have now been taken to make good wastage, the full figure of 60 a year will not always be very nearly reached in future. As regards this figure of 60, I want to repeat that it is based on the Government's policy of Indianising, as a first step, one division of all arms with its ancillary services. The policy is to Indianise all the units of an ordinary war division *plus* the departmental and other services which belong to it in peace. An adequate allowance has been made for wastage, and the number of 60 provides a reasonable quota to complete the Indianization of this division by the time that senior officers are available to fill the senior posts. According to the Skeen Committee table of Indianisation, which is often quoted as an example of an increased rate of Indianization, there were only to be 45 officers commissioned from the Indian Military College in 1941 and, in 1942, the number was to increase to 57 for a further period of three years. No allowance was made at all for wastage, but on the other hand I must admit, that the Skeen Committee recommended that 20 cadets a year should still continue to be sent to Sandhurst.

I am afraid, Sir, I have strayed rather far from the Bill itself and I will try to get back to it again. In order to carry out the policy to which I have just referred, the Indian commissioned officers, for whom the Bill makes legal provision, will gradually take the place in the Indianized division, not only of the Viceroy's Commissioned officers, but also of the British officers, until that division contains not a single British officer or British other rank. In fact, as I said in my speech when I first introduced the Bill, the first batch of young officers commissioned from Dehra Dun will be the forerunners of the purely Indian Army of the future. It is largely for this reason that it is proposed in the Bill that these officers shall be subject to the Indian Army Act, and not, like the British officers of the Indian army and their Indian predecessors, who were trained at Sandhurst, under the Army Act. It is only in this way that it will be possible to arrange that, in time to come, the whole Indian army, officers and men alike, will be subject to one Act, and that an Act which it will be within the power of this Legislature to amend. But, though, like Dominion officers, the Indian commissioned officer will hold a limited commission, the King's commission in the Indian Land Forces, yet there



[Lieut.-Colonel A. F. R. Lumby.]

will be complete reciprocity within the Indian Army between the officers who come under the definition of "British officers" and the officers who come under the definition of "Indian Commissioned Officers" in the Bill. And though, as I suggested at the very start of my speech, it is proposed to fix the pay of these newcomers at a scale that will be more in keeping with the capacity of this country to pay, yet this does not alter the fact that the powers and privileges of these two classes of officers in the Indian Army will be identical.

Thus far the Government have pursued the analogy of the Dominion officers, and I want to make it clear at once that it is impossible for them to follow this analogy in the case of the Indian Commissioned officer beyond a certain point. The position of the Imperial Officer, *vis-a-vis* the Dominion Officer, is that neither has any automatic power of command over the other. Special provision is made in regulation in the rare cases when, for example, a few Dominion officers are attached to a British unit for their first year after passing out of a Dominion Cadet College, or when there is, as occasionally happens, an exchange between a staff officer of the British or Indian Army and a staff officer of a Dominion Army. But these types of occasions are very few and far between, and the number of officers affected from year to year can almost be counted on the fingers of two hands. On the other hand, an officer of His Majesty's Land Forces, by virtue of the fact that he is subject to the Army Act, whether he belongs to the British service or to the Indian Army, has powers of control over all the personnel of the Indian Army, though in the case of the British officer of the British service it must almost invariably happen that, unless he attains high rank, he never has any reason to exercise such powers during the whole of his time in India. An Indian Commissioned officer, though he will possess certain general powers of command under the Army Act, will not be able to exercise those powers in respect of British personnel until they have been defined by His Majesty's Government in King's Regulations. This House will realise that, though the British and Indian Armies function independently as regards the administration of their sub-units, and the officers of the one probably never have for years on end to exercise powers of command over personnel junior to them belonging to the other, yet obviously numerous kinds of occasions may arise when the two portions of the army will be in close contact, either as individuals or as bodies of men, and when it will be necessary for the Indian Commissioned officer to be able to exercise powers of command in relation to British personnel of the Army in India. It is for His Majesty's Government to settle what rules should be made for this purpose, and they are at present considering the matter. It was never to be expected that His Majesty's Government would give complete power of control over British personnel, at all times and on all occasions, to all Indian Commissioned officers, just as they would never be prepared to give unlimited powers of command to all officers of a Dominion Army or of any other service. His Majesty's Government have, however, accepted the need for rules to provide for those occasions on which the personnel of the two portions of the Army in India will be serving together and it will be necessary to ensure that the two portions of the Army in India can function efficiently side by side in all the varied conditions of army life. The power of punishment is one of the things which will certainly be withheld, but that is a normal limitation as between different services ;

it is a limitation which exists, for example, as between the British Army, the British Navy and the British Air Force when they are serving together. Though the rules which are being made by His Majesty's Government are not yet in their final form, they will, when framed, give to the Commander-in-Chief and to any subordinate Commander down to the Commander of a station the power to appoint the occasions on which Indian Commissioned officers may exercise powers of command in relation to the personnel of the British Army in India under his command.

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban): May I ask what sort of occasions? Can the Honourable Member give us some examples?

**Lieut.-Colonel A. F. R. Lumby**: It is exceedingly difficult for me to anticipate the rules which are being made by His Majesty's Government, and I hope that the Honourable the Leader of the Opposition will be content when I say that the rules will cover those occasions when it is necessary to provide for the smooth working of the two portions of the Army in India.

**Sir Abdur Rahim**: What about mixed formations?

**Lieut.-Colonel A. F. R. Lumby**: Again I can only say that, so far as mixed formations are concerned, the same principle must apply as when only one officer of the Indian Army and one man of the British Service are concerned. The same principle must apply throughout, but I really cannot anticipate the decisions of His Majesty's Government in a matter of this kind. I notice that in the minute of dissent to the Select Committee's report reference was made to the practical difficulties to which the arrangement proposed is likely to give rise in the Army administration as well as in actual operations. I do not think anybody will deny that no arrangement which can be made to cover during this transitional period with which we are dealing will be free from practical difficulties, but I think we must be prepared to accept the view of His Excellency the Commander-in-Chief, who, after all, has got to administer both parts of the Army in India, that the difficulties are not likely to be nearly as serious as the signatories to the minute of dissent would have us believe.

As regards the minute of dissent there are two other points to which I should like to refer. Firstly, I submit that the statutory provision which the minute of dissent suggests should be included in the Indian Army Act is not within the competence of the Indian Legislature. The Government of India Act in section 65 provides for legislation in India for officers of His Majesty's Indian forces in so far as they are not subject to the Army Act. The proposed provision, in so far as it deals with the question of the mutual relations of the British officers and Indian Commissioned Officers of the Indian Army serving together in units of the Indian Army, seems to me to relate to the position of personnel of the Indian Army who are subject to the Army Act; the 'British officers' of the definition in clause 5 of the Bill are subject to the Army Act. If, as I gather, the proposal in the minute of dissent goes further and intends that this statutory provision should cover the case of mixed formations, which include not only units of the Indian Army but also units of the British service, then it seems to me still more certain that it is not within the powers of this Legislature to insert such a provision in the Indian Army Act, without the previous consent of His Majesty's Government. This is

[Lieut.-Colonel A. F. R. Lumby.]

a matter which will arise in a more concrete form in connection with an amendment moved by my Honourable friends, Sir Abdur Rahim and Mr. Sitaramaraju, and I would request the Chair to give a ruling on the matter when we reach that stage.

My second point, in connection with the minute of dissent, refers to the suggestion that the Indian Commissioned officers will in effect have a position in the Indian Army similar to that occupied on the civil side by officers of the Provincial Civil Service. This was a point on which I did my best on more than one occasion to try and reassure Honourable Members of the Select Committee, and I had hoped that, if any Members still thought it necessary to write a minute of dissent, they would give me credit for this and would couch their minute of dissent in something like the following terms :

“ The Army Secretary has assured us that in practice the King's Commission and the King's Indian Commission will be equal for all essential purposes ; but we realise that he is only the Army Secretary, and, therefore, we should like to see his assurance set down in black and white in the Act ”

**Sir Abdur Rahim** : I do not want to pay that sort of compliment to the Honourable Member.

**Lieut.-Colonel A. F. R. Lumby** : But I was not prepared to find them assuming a superior knowledge of military matters to prove my assurances to be of no avail. I confess that, when I read that portion of the minute of dissent, I felt that the Honourable Members, the signatories of the minute, had been stricken with that very inferiority complex from which they are so anxious to save these young officers of ours.....

**Sir Abdur Rahim** : We do suffer from inferiority complex : there is no doubt about it.

**Lieut.-Colonel A. F. R. Lumby** : One thing I know, and that is that these young officers, who will come out of Dēhra Dun at the end of this year, and their successors, will not suffer from anything like an inferiority complex....

**Sir Abdur Rahim** : I hope they will not suffer from superiority complex.

**Lieut.-Colonel A. F. R. Lumby** : ....and they will not be allowed to suffer from a superiority complex....

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Is not the pay proposed for these new officers inferior to the pay of those coming out of Woolwich ?

**Lieut.-Colonel A. F. R. Lumby** : Pay is not everything in this life. I can assure this House that the military authorities will take every possible step to ensure that these officers during the course of their service will not develop any kind of inferiority complex—an inferiority complex is no good in an army—in spite of the gloomy forebodings of the signatories of the minute of dissent, and in spite of the suggestions which I read almost daily in the Press that they are really going to be in a position of inferiority. Why, after all, should these officers have an inferiority complex ? They are being given complete equality with their brother officers, British and Indian, of the Indian Army who hold Commissions in His Majesty's Land Forces, and, surely, equality of position with them im-

plies equality as between the two kinds of commission. This is a thing that is not granted to the officers of any Dominion army who have no automatic equality with any other kind of commissioned officer. I am afraid, however, that the inferiority complex will whisper that their commission is a limited one. Every commission is limited. You cannot expect every Commissioned officer to be able to command personnel of every other army. A Dominion Commission has definite limitations, but if I were to suggest to an Australian officer, for example, that because he had a Dominion Commission and I had an Imperial Commission, I was therefore superior to him, or if I were to suggest to a Canadian officer that because he was trained at Kingston and I had the privilege of being trained in England, therefore I was a better officer than he, I should expect him to give me a thick ear or a bloody nose. And, if he did, I should have deserved it. There is no inferiority complex there.

What I am most concerned with, for the sake of these young officers, is to ensure that outside this House this question of superiority and inferiority is not developed into a stunt. Cannot we all combine to give these young officers as fair a deal outside the army as they are going to get inside it? What I should like to feel is that Honourable Members of this House, if they come across any one running down these officers and talking about the question of their inferiority, would give them a thick ear, real or metaphorical; and then if in a year or two, they find that anything I have said about them is not correct, they are welcome to come and give me a couple of real ones. Sir, I move. (Cheers.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration.”

There are two amendments in the name of Sirdar Harbans Singh Brar.....

**Sirdar Harbans Singh Brar** (East Punjab : Sikh) : I do not propose to move the first.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair considers both the amendments as of a dilatory nature; and, unless the Honourable Member is going to give very good reasons as to why he should be allowed to move the second amendment, the Chair cannot allow him to do so. The Chair is prepared to hear from him briefly any reasons he may have to give in support of the amendment which he wants to move.

**Sirdar Harbans Singh Brar** : Sir, the Bill is very important and deals with vital questions of the future of India and the administration of the army, and unfortunately, at the time when it was introduced last Session, we did not think that much importance was to be attached to it, and did not, therefore, ask for circulation; nor did the Government, though they had this interval of four months,—because they had already decided in the Delhi Session to postpone it till now—circulate it for eliciting public opinion thereon by executive action. The more we read this Bill, the more complicated we find it,—even in the Select Committee on the very first day when we sat, we thought that there was not much in the Bill; and that it would be disposed of within a few minutes; but when we went into the clauses and looked into the provisions, we asked

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for more time ; and we came into possession of more facts and figures regarding what was really implied in the Bill,—it was not merely a Bill for the discipline of the Army, but that the concurrence of this Legislature was being invited to a particular policy which the Government have now adopted regarding Indianisation and the two sorts of Commissions which are to be segregated in the Army in India, and, therefore, after ten days' consideration, we appended this long note of dissent ; and, even since then, I got more facts and figures, and I consider that, in the light of these facts, and the fact that even a Bill like the Mechanical Lighters Bill was referred for eliciting public opinion thereon, this important Bill should be given a few months' time, and public opinion should be sought to give its considered judgment on it, as well as its representatives in this Legislature, so that its full implications and importance may be understood. I have nothing more to say.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This Bill has passed through the scrutiny of a Select Committee of this House, and, so far as the Chair can see, there is nothing either in the majority report or in the minute of dissent to suggest that sufficient time has not been available for the Select Committee to consider the provisions of this Bill or the principles underlying it. The Honourable Member has not given the Chair any valid reason to permit his being allowed to move a dilatory motion of this nature. The Chair does not, therefore, propose to allow him to move that motion.\*

**Rai Bahadur Kunwar Raghubir Singh** (Agra Division : Non-Muhammadan Rural) : Sir, when the Indian Military Academy was established in Dehra Dun, it was thought that the prospects of those coming out of the Academy will be the same as of the students coming out of Sandhurst or Woolwich Colleges. But from the Bill, we find that the status and the privileges of the candidates will not be the same as those enjoyed by British officers coming to India. The Bill, I admit, is necessary to give them a status, but, Sir, several amendments are required to satisfy public opinion as it obtains in the country. The public opinion in India is at one in thinking that the status and opportunities of Indian Military officers should be in no way inferior to those enjoyed by British officers serving in India.

Secondly, Sir, Indian Commissioned officers will not have the same powers of command, even over mixed formations, as British officers. These will be left entirely to the commanders to decide, when they should and when they should not command, and this is certainly inferiority complex.

Thirdly, Sir, the conditions of service have not been improved, and so their position will be somewhere midway between the Viceroy's Commissioned officers and the British Officers.

Fourthly, the policy in regard to the creation of an Imperial Service and a Provincial Service, reserving superior services to Europeans and inferior services to Indians, as in the Civil Service, is going to be repeated here, and just as it was considered in regard to the Indian Medical Council Bill, that it was dictated by the British Medical Council, so it is feared in this case also that this measure has been dictated by the War Office in England.

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“ That the consideration of the Bill be postponed till the next Budget Session.”

Fifthly, Indian Commissioned officers will not be eligible to sit in court-martial cases as British officers will be. This is also an anomaly because, if British officers can sit in court-martial to try Indian men, it does not seem proper that Indian officers should not sit in judgment over British men.

Then, sixthly, the status and prospects of Indian Commissioned officers will not be exactly the same as those of British officers serving in this country. I have gone through the Bill carefully, and I find that too much emphasis has been laid on punishments, and less on emoluments and privileges. Therefore, Sir, the question that arises is this : is this the way in which the wishes of Indians about their defence arrangements and military training and Indianization are going to be met after all their heroic deeds of gallantry in the past wars ? Is this the treatment that is going to be meted out to Indians after all their sacrifices in the great War ? In view of these considerations, it is highly necessary that amendments on the lines suggested by the minority of the Select Committee should be incorporated to make it a better Bill than it now is. I have seen, Sir, from the amendments that the Select Committee added one clause, clause (f) to clause 5 of the Bill, but Mr. Metcalfe has given notice of an amendment by which he wants to take it out. Therefore, I support the minority recommendations of the Select Committee and hope that this House will make the Bill more acceptable to Indian public opinion. (Cheers.)

**Mr. B. V. Jadhav :** Sir, it is well-known that the British Army is regulated by the Army Act and the Indian Army is regulated by the Indian Army Act of 1913, and the present Bill is an amendment to it. Before the Act of 1913, there were other Acts previously passed, either by the Local Governments or by the Government of India. It is profitable to see what was the beginning of the Indian Army. The Indian Army sprang from very small beginnings. Guards were enrolled for the protection of the factories or trading posts which were established by the Honourable the East India Company at Surat, Masulipatam, Armagon, Madras, Hughly and Balasore in the first half of the seventeenth century. These guards were at first intended to add to the dignity of the chief officials as much as for a defensive purpose, and in some cases special restrictions were even placed by treaty on their strength, so as to prevent their acquiring any military importance. Gradually, however, the organization of these guards was improved, and from them sprang the Honourable the East India Company's European and native troops. So the Indian Army began, first of all, as the protective guard of the merchants, and, ultimately, it developed into a full-fledged army.

The early merchants of the East India Company, Sir, took advantage of the Indian mentality produced by implicitly believing what was taught by the Ramayana. It is said that Ramayana teaches the highest standard of brotherly affection as shown in the conduct of Bharat and Lakshmana towards their elder brother, Rama. But there were other pairs of brothers also, notably Vali and Sugriva and Ravan and Bibhishana. Both Sugriva and Bibhishana invoked the aid of a foreigner in order to get rid of their elder brothers, and, with the aid of the foreigner, got for themselves not only the Kingdoms but the widows of their elder brothers.

Another high personage who is extolled in the Ramayana is Hanuman, the Monkey God, whose temple stands on the top of the Jakko Hill for his devoted service. When painted in the gorgeous colours of an

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incarnation of God, Rama is invested with divinity and Hanuman's service is taken as devotional. But taking their relations divested of all later accretions, that is looking upon Rama and Hanuman as human beings, we see that Hanuman accepted the service of a foreigner and served him very faithfully even against his own people.

In this history, Sir, is the germ of India's mental and moral slavery. Indian mentality towards foreigners has been one of selfishness. Nobody was ashamed to call in the aid of a foreign invader to put down their brothers or near relatives, and they had the instances of Sugriva and Bibhishana highly extolled in Ramayana to justify themselves. We find in the history of Alexander or Sikander the same story when he planned the invasion of India. Many an Indian prince and scion of Imperial houses went to Kabul to secure his protection and help for the satisfaction of their own ambition. The Great Emperor Chandra Gupta (Sandra Kotus of Grecian History) was one of them. The story of Jaychand of Kanouj, who invited Muhammad Ghori to punish his son-in-law Prithvi Raj, is well-known. The history of John Company and the rise of the British power in India is full of such betrayals. Any foreigner who had enough money to pay never found want of willing Indian soldiers to serve him and to fight against their kith and kin. Among the Europeans, Dupleix the French General, is said to have made use of Indian sepoys and he found that they made excellent soldiers when properly trained and officered. The East India Company also took advantage of this discovery and the Indian Army was the result. The Indian army was at its zenith in numerical strength at the time of the Mutiny, but since the Mutiny their numbers have been reduced, and since the ancillary services have been started,—especially the artillery has been developed, the air service, mechanical service, tanks and so on and so forth,—the number of soldiers is being gradually diminished. In the British Army before the War the officer ranks were reserved for the Britishers and no Indian was ever allowed to be either a Lieutenant or a Captain. But, after the War, the mentality of the British people changed and they accepted the principle of giving commissions to worthy Indians either from the ranks or from those who were selected to go to Sandhurst, Woolwich and other places of instruction. But all these were trained under British conditions and they are known as British officers. Then there was an insistent cry of an Indian Sandhurst, and numerous committees were appointed to devise means for bringing this about. I need not go into the history of those Committees. Suffice it to say that ultimately the starting of an Indian Military Academy was decided upon, and about 2½ years ago a beginning was made with 30 cadets. I had the honour of an invitation from His Excellency the Commander-in-Chief at the time of the opening ceremony and was really very much impressed by what I saw there. The cadets there were in training only for a couple of months, but they showed very good form, and, now, we have heard the Honourable the Army Secretary to say that they are shaping very well and they give promise of turning out efficient officers. So, it will be seen that the training at the Military Academy at Dehra Dun is in no way inferior to the training that is given to British cadets at Sandhurst or Woolwich, and in days to come, this Military Academy of India promises to be a great centre of military training for India, both Indian India and British India. But, Sir, that which is troubling this side of

the House is the different status and the difference in the commissions of the two officers turned out from Dehra Dun and from Sandhurst. Those who will come out of the Sandhurst College will be called British officers and they will be governed by the Army Act. Those who will come out of the Indian Military Academy will be governed by the Indian Army Act and will be called Indian commissioned officers. There will also be a difference in their salaries. India is a poor country and we have up to this time maintained that the salaries of the Army officers and other officers are very high. Government have, at all events, accepted the correctness of this cry of the Indians and they have now decided to have a lower scale for Indian commissioned officers. So far, we are in agreement with them. I do not say that we have got any grievance, because the initial and also the future salary of the Indian commissioned officers will not be as high as the salary of the British officers. But it is well-known that the Army is a very expensive profession and we have seen that the officers who have up to this time come to India find it very difficult, especially during the first few years of their career, to make both ends meet. The Army Secretary has promised that steps will be taken to reduce the expenses that are entailed upon an officer serving in the army. So far so good. But, then, the question arises that in the same regiment there will be officers of the two services, the British officer and the Indian commissioned officer, with two scales of pay. The British officer on account of the big salary which he receives will be able to spend more and live in a more stylish manner, while his brother, the Indian commissioned officer, will not be able to spend as much and in that way an inferiority complex is bound to arise. I hope that the Army Secretary will think over this question and see that, especially during the transitional period, until a unit is completely Indianised, some steps are taken either to give an allowance to the Indian officers or to do some other thing which will help them.

As regards the amendments to the Bill I shall say that I have my sympathies with those who have sent the minute of dissent. It is our ambition that the Indian commissioned officer should have exactly the same status, the same opportunities and privileges as his brother from England. The Army ought to be considered as one whole, and although, on account of these special circumstances, there will be a difference between the British officer and the Indian commissioned officer as regards pay, in all other respects they ought to be on a footing of perfect equality, and that status of equality ought to be granted by Statute or by Regulations having the force of law. I need not go into the question whether the amendment accepted in the Select Committee, to remove which notice of an amendment by the Foreign Secretary has been given, was done without any legal authority. That question will be decided when the clauses are gone into separately. But in case no amendment can be had in the Act itself, I do hope,—and I do insist,—that steps will be taken by the British Government, the Government of Great Britain, and also by the Government of India to see that the Indian commissioned officer gets all the opportunities, gets all the privileges and the status of his brother officer who has turned out of Sandhurst.

The question may not arise for some few years yet. The scheme at present adopted is the scheme of Indianisation of a complete division with ancillary services. Formerly, the scheme, that was started in the beginning, was the scheme of the eight Units. In all these two schemes, the



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eight Unit scheme as well as the Indianisation of one division scheme, the chief idea, it appears, is that the British officers should not have a contingency of serving under Indian commissioned officers, because now the Indian Commissioned officers will join the ranks from early next year and then they will be at the bottom and as their number increases they will fill up the vacancies from the bottom and there will be no British commissioned officer under them in any circumstances. I have got no grievance in this respect, but then a time is bound to come as years go on, when the Indian officers may get senior in service and the British officers who will be their juniors in service may claim higher status or precedence at durbars and so on over them. That contingency ought to be guarded and provided for. The Honourable the Army Secretary has pointed out to us that there is nothing about this in the Canadian Army. There is no trouble in the Canadian army. The Canadian officer has got no such grievance and only at the time of the war, when they come together and have to fight shoulder to shoulder the question may arise. In Canada there is only one sort of officer, the Colonial officer, but in India we have got these two sorts of officers serving side by side and coming into contact with each other in military stations almost every day, and, therefore, it is quite necessary that the status and the position and opportunities of the two classes of officers should be exactly equal, and there should be no inferiority or superiority among them. The Army Secretary has given an assurance that His Majesty's Government will see to this. It would be much better if that assurance could be translated into exact words and introduced either in this legislation or in some way, in the form of Regulations. That is very necessary, because the Indian commissioned officers will have to work side by side with the British officers on many occasions which we may not be able to visualize just at present and a number of occasions may arise in which there will be friction and there will be some differences of status on one side or the other. So, I think the Army Department and the Government of India ought to take care that there should be no occasion for such differences, because when these differences arise, it is very difficult to avoid bad blood.

In this connection, I wish to say a few words about the Viceroy's commissioned officer.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Will the Honourable Member take long ?

**Mr. B. V. Jadhav** : About 15 minutes more.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

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The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

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**Mr. B. V. Jadhav** : Sir, I was pressing upon the attention of the House the point that the new cadets that will come out of Dehra Dun as Indian Commissioned Officers should have equal status with those who have come out of Sandhurst. Now, in the words "status and opportunities", I also include certain appointments which are open to the British Officers which should also be open to Indian Com-

missioned Officers. For instance, under a Government of India Resolution for a certain rule 29 the following was substituted :

“ The Governor General in Council may appoint a Member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army or..... to the Indian Political Department, ”

and so on.

Now, as the words here are used—, “ holding the King's Commission in the Indian Army ”,—I presume the new Indian Commissioned Officers will similarly be entitled for this service. If I am wrong, the Army Secretary may correct me in this presumption. But there might be such “ other services ” in which the words may not be so very explicit, and, therefore, care should be taken to avoid all such occasions and it should be stated clearly that the Indian Commissioned Officer will have the same status, the same opportunities and the same privileges as his brother coming out of Sandhurst or Woolwich. Now, we are very anxious that the Indianization of the Army should be as rapid as possible keeping in mind the efficiency of the service. There should, of course, be no sacrifice of efficiency. At present, sixty cadets are admitted to the Indian Military Academy every year and in the first batch there was a wastage of about seven, or only 53 officers will come out of the Military Academy and will take their commissions in the Indian Army or to be more precise, in the Indianized Division. For the first year, this wastage is very high indeed. In conversation with the Army Secretary, I learnt that they compute the average wastage at about two and that they expect that 58 officers will join the Army every year, and, with this addition to the Army of Indian Officers numbering fifty-eight a year, they expect that in about eighteen years the Division will be completely Indianized. One has to remember that there are six Divisions in the Indian Army ; and, therefore, Sir, we cannot wait, at this rate, to see the Indianization completed within a reasonable time, and, therefore, Sir, I submit, the rate of admissions to the Indian Military Academy ought to be accelerated. Sir, in 1931, His Excellency the Commander-in-Chief had to state in another place that in about seven years' time, that is, in 1938, the Indian officers from Sandhurst would have completed about fourteen years' service, and, by that time, they would be permanent Company Commanders, and, at that time, the higher Army Authorities would be able to judge how far they were efficient as officers, and if their conduct is satisfactory and if they shape very well, then, His Excellency would decide how to accelerate the pace and in what ratio the admissions to the Indian Military Academy should be increased. This assurance of the Commander-in-Chief was a very important one, but then, in 1938, the present Commander-in-Chief will not be in office, and his successor may not remember what his predecessor had promised. I think the Army Secretary has told us that the new cadets as well as the old ones, who have already actually joined the service, are doing very well and are not deficient in any way. So, I think, we may expect in the near future the Army Authorities will take up for consideration the question of increasing the number of admissions every year to the Military Academy.

Now, by the abolition of the Viceroy's commissions, the number of Indian King's Commissioned Officers that will be required to replace the Viceroy's Commissioned Officers will be a very large one, and for that reason the Indianization of the officers' rank in the Army will be

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retarded by about 2½ times. This is a very serious question. It may be pointed out that as the prospects of promotion to Viceroy's Commissions is denied in the Division which is set apart for Indianization, it is feared that the recruiting in those units will not be as satisfactory as in other units where the private enjoys the prospect of attaining to the Viceroy's Commission as well as the higher commissioned rank. So the personnel of the regiment is likely to suffer, and, at the same time, I may point out that if the Viceroy's Commissions are kept open, then young men with good education, that is those who have passed the matriculation or higher examinations, may be induced to join the army with a view to attaining, if not to the King's Commission, at least to the Viceroy's Commission, and, in that way, the recruitment to the army is likely to be more satisfactory than at present. But if there is no prospect of getting the Viceroy's Commission and the private has the only chance of retiring as a Warrant Officer, then perhaps the young man with good education will not think it worth his while of joining the ranks. Even at present there is a good deal of discontent among young lads who are not getting the chance of going to the Indian Military Academy as the number of claimants is a pretty large one. Many of them are now nearing 24 and some of them will be superannuated, and if such young men are superannuated and have no chance of going to the Military Academy, then their time in the army is wasted and they will have to retire as early as possible. That will be a loss to the army, one can very easily realise. Therefore, it is necessary that, at all events, for them the Viceroy's Commission ought to be open, so that there will be some consolation for their disappointment. The Indianisation is a very vital question and at the same time, as I have pointed out, this side of the House is very keen that the Indian officer should have no inferiority forced upon him. His position should be exactly on a level with other officers who have got the King's Commission and also with those who have got their education from Sandhurst or Woolwich. I, therefore, lay stress upon this point, and, I hope, that this question will be satisfactorily solved by the Army Secretary. With these few words, I support the motion.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official) : Sir, I congratulate the Honourable Colonel Lumby for his lucid explanation of the provisions and implications in this Bill to this Honourable House. He has given a graphic and hopeful picture of the Academy at Dehra Dun, and as I also had a chance of seeing the Academy in the very first year, I can testify to the very good beginning that has been made there. The cadets were all fine specimen and we can all well feel proud of this institution. I am convinced that the opening of this great institution will prove a landmark in the history of the Indian army. The first batch, as we have been told, is about to come out and it is with a view to find a place for them in the Indian Army Act, that this Bill has been brought forward before this Honourable House. The name given to them is Indian Commissioned Officers as their commissions will be issued by His Excellency the Viceroy. As a part of the scheme, the present Indian officer has to disappear gradually, but as Indianization cannot be completed in one day, this class will take some time to disappear. Now, these are the two main items under this Bill ; and after the discussion we have had in the earlier

stages and after listening to the Honourable the Army Secretary, very little remains to be said. I would not open questions of policy or of economy on this Bill, as that would be outside the scope of this Bill. But I wish to bring one thing to the notice of the Army Secretary. I feel encouraged in doing so as I know that the class of officers about whom I wish to put in a word or two has the full sympathy of the Army Secretary. In his opening speech on the 16th July, the Honourable Colonel Lumby said as follows :

“ And, thirdly, comes the fine body of men to whom the Indian army had owed and still owes so much, who are known at present in the Act and throughout the army as Indian officers and whom it is proposed to call in the future Viceroy's Commissioned Officers in order to distinguish them from the Indian Commissioned Officers.”

Now, Sir, there is not a single British officer who does not admire this class, and who has not got a soft corner in his heart for them. These Subedars and Risaldars will now gradually disappear. What I wish to say is that there is a real feeling in the country, especially among the military classes on this question, and I will request the Honourable Colonel Lumby to use his persuasive tongue to save them from total disappearance. At present we have four such officers for each squadron and if two or at least one of them could be retained in the future army, they will prove very useful. I know that the age of illiterate officers is gone, as we will have no occasions for hand to hand fight ; but when we realise that the rank and file could make better sacrifice under one who is so closely related to them, than under a mere officer, the need for the presence of this type of officers seems all the greater. The point has been stressed by my Honourable friend, Mr. Jhadhav, also, and, I think, the Honourable the Army Secretary will do all he can to save them from this threatened annihilation. Besides, any number of educated men have joined the army in recent years, in the hope, that they will qualify themselves for Dehra Dun cadetship in due course. As we all know, the number that will have to be recruited from year to year for Dehra Dun is very limited. Some of these young men, though in every way fit and though they are being recommended by their commanding officers for Dehra Dun, will have to be disappointed because of this limitation in numbers and they will not be able to qualify themselves for Dehra Dun. So, some scope should be left for these young men and if one or two Indian officer's jobs are retained with each squadron, it might prove an incentive for these youngmen to make army as their career.

We must, however, admit, that the creation of this new service does not in the least affect the old Indian officer, if we take a broad and long view of things. He, with all his war service and his war medals, could only aspire to become a Risaldar Major or a Subedar Major, while his educated son or relation will begin as a Lieutenant and will aspire to retire as a General. The increase in the number of posts is another factor. There are at present 19 Indian officers and in the future constitution there will be 28 Indian Commissioned Officers with higher pay. So, the loss is fully compensated both in money and numbers. The Honourable Mr. Jadhav has referred to the inferiority in pay of the new officer as compared with his colleagues who come from Sandhurst. The minority report of the Select Committee also refers to this aspect of the question and compares them to Provincial Civil

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Service and the I. C. S. respectively. I take a different view. The British officer is a necessity for some years to come and as one who serves far away from his.....

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Question.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** : Has my Honourable friend got some material to maintain his position ? He has none. You can play with other services, but you cannot play with the army, otherwise the peace of India will be disturbed. As I was saying, as one who serves far away from his home he should get more pay than one who is serving in his own country. Besides, the general taxpayer also looks for some relief from Indianisation. The United Provinces Ministers, who are content with less pay than their colleagues on the reserved side, have not lost any prestige at all. Besides, we should not forget that the British officer, serving in a British regiment in India, will get the same pay as the cadets from Dehra Dun.

There is, however, one aspect on which the two reports differ. The minority report urges that there should be a declaratory clause to show that so far as the powers and privileges are concerned, there will be no difference between the future British officer and the Dehra Dun officer. The Honourable the Army Secretary has made it clear beyond doubt in his speech more than once. In his opening speech he says :

“ In this connection there is one point that I wish to emphasise most particularly and that is that instead of this difference that I have just pointed out the Indian Commissioned officer will have within the Indian Army exactly the same powers and privileges as are at present enjoyed by the British officer. It is intended that there shall be a complete reciprocity between these two categories of officers.”

**An Honourable Member** : Then why not insert in the Bill itself ?

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** : I am coming to that presently. Then, again, in his reply, the Honourable the Army Secretary says :

“ But the point that I want to make is that though there will be this reduction in pay, to bring the Indian Commissioned officer on to an Indian scale of pay, instead of the British scale of pay, drawn by the Indian officers trained at Sandhurst, there is every intention that otherwise his powers and privileges and certainly his powers and privileges under this Act shall be the same as those of the British officers of the Indian Army with whom he will be serving.”

He wants this clause to form part of the Regulations that will be issued by His Majesty's Government while the minority report wants this to form part of this Bill. To me the difference on either side seems mostly sentimental. One is as good as the other. However, we will hear arguments for or against this point when the particular amendment is under discussion.

Sir, the Bill, as I said, is a simple one, and this occasion should not be utilised to deliver Budget speeches. The decision embodied in this Bill were taken after full deliberations in what is known as the Sandhurst Committee. There is nothing new that the Bill has imposed on us, or is taking away from us. The Army Department deserves our sincere congratulations in not delaying these reforms, and I am convinced that the pace of Indianisation will be accelerated as soon as our Dehra Dun cadets have joined the Indian Army, and have taken their places, for which this

Bill has been brought forward. Our hopes lie in their success and we should welcome them by giving in this Bill a status to these new officers. With these few words, I welcome this Bill and support it whole-heartedly.

**Sirdar Harbans Singh Brar :** Sir, I have chosen to take particular interest in this Bill, because the subject matter of it, to my mind, is most vital to the interest, peace and prosperity of this great nation. The provisions of this measure are to lay the foundation for the administration and discipline of a department or a force which is the very backbone of this country. We cannot afford to play with a subject of such magnitude and importance and it cannot be treated light-heartedly, because, to me, it seems that the army of a nation is of the utmost consequence. I give it preference and importance over all other subjects in the constitutional or administrative system of the Government. I have never been able to understand why this subject has been mostly relegated to the background by Indian politicians and preference given to petty departments or superfluous jobs. It is unfortunate that such an important measure has not been circulated and public opinion marshalled in its favour. But, be that as it may, we are here considering it, and it is our duty to bestow the best consideration on the policy underlying it and the provisions entered in it. I am convinced that the Government are perfectly aware that the Bill is not supported by public opinion, but is condemned by it. Otherwise, they would have chosen the occasion to circulate it by executive action during the period of time that has elapsed between its introduction and its consideration. We have seen Government circulating Bills by executive action of much less importance than this present one. One of my purposes in the amendment I intended to move was to attain that object. I consider this Bill is even more important than the so-called White Paper, the Communal Award, the Chhota Award or the Constitution Bill which is to be introduced in the Parliament.

I am very suspicious about the Government's intentions and *bona fides* in the matter. I fear that they are trying to smuggle through this Legislature a measure designed to keep India in chains and fetters till posterity. The Constitution Act is still in the making and its provisions are still unknown, but the fate of the defence forces of the country and the national militia is being decided here and now. Mr. President, as far as I am concerned, I would not care a farthing for either the Constitution Act or the Communal Award without the Army having been transferred to Indian control as a condition precedent. Do Indian politicians consider what is the good of having a responsible Government when the Army is to be under foreign and alien dictation, and the finance is controlled from White Hall. What good will it do India to have a few more Ministers and a few more Council Secretaries with the British bayonets hanging over our heads? I for one would be prepared to give all appointments to British or Europeans and all the Departments of Government, but would never yield to keep the Army non-Indian or under non-Indian control even for a single moment. I am prepared to give to the Britishers a Department like Archæology, because they are very good explorers, I am prepared to give a Department like Education, because they are good philosophers, and in such like Departments I do not mind the help of these people, but India for her self-defence must be self-independent. Mr. President, I would like to retain the Army under Indian control, and even for a single moment I would never be a consenting party to anything leading in the

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direction of non-Indian control. The policy adopted by this Government, since the Mutiny, of Europeanising the commissioned ranks of the Army have dealt the biggest blow to the vitality of the nation and its martial spirit. The military prowess of Indians was equal, if not superior, to any other foreign nation, but the result of the policy of closing the commissioned ranks of the Army to Indians by force and fraud is being used against India now to prove that Indians are yet unfit to be officers in the defence forces of their country. It is like depriving the Dacca weavers of the means of producing fine muslin which at one time captured the whole of the British market, and, then, later on, saying that India is unable to produce finer cloth in competition with Manchester. It is idle to deny that the best of materials for the Army is available within the Indian Peninsula and that enough men can be found for the officering of the Army if the selection and control is transferred to Indian hands. The present so-called incapacity of the Indians is a camouflage and Government's own creation. Government have deliberately denied Indians the opportunity of training themselves in the different branches of national defence. I may quote here an eminent English historian who says :

"The founders of the native Army had conceived the idea of a force recruited from among the people of the country and commanded for the most part by men of their own race but of higher social position. Men in a word of the master class accustomed to exact obedience from their inferiors. But it was the inevitable tendency of our increasing power in India to oust the native functionary from his seat or to lift him from his saddle so that the white might fix himself there."

Lord Elphinstone, the Governor of Bombay, said :

"I agree with those who think that it is not judicious to train any native of India to the use of guns. They make excellent artillery men and attach great value and importance to guns but these very circumstances make it dangerous to place it in their hands."

Lord Ellenborough concurred in this opinion and said :

"It appears to be concurrent opinion of all men that we should keep the artillery wholly in our hands. The natives have the genius of casting and working gun and we should not afford the means of enjoying it. The natives die at their guns. Their practice in this War, the Mutiny, is admitted to have been at least as good as our own."

From this, one is drawn to the only conclusion that the so-called incapacity of the Indians to control their defence is merely  
 8 P.M. a myth. The Government have deliberately deprived the Indians continuously for such a long time the practice and opportunity of doing so as to concoct theory of the incapacity and inability of the Indian to manage his own defence force. They for almost a century denied to the Indians the opportunity of officering their own Army and other branches of Indian defence. It is common knowledge that Indians have been one of the best sailors and fliers. But the Indian Navy, which existed about the middle of the last century, was disbanded and the opportunity to Indians to keep up their training was denied to them. Similarly, till a couple of years ago, Indians were not admitted to the Air Force so indispensable for the defence of the country. It is the same old story of eating up the vital bones of the nation, so that it may remain perpetually in the clains of slavery. The native princes were assured that the British forces will protect them from external attack as well as from internal commotion by the mighty arms of the British Empire, and they were told to disband their own army and to worry no more about their position as the British will maintain

them on their *gadis*, thereby making dormant the martial spirit and training among their subjects. The same thing was copied in relation to British India. British Indians were assured that the Imperial forces of the Crown were at their disposal, that the British Navy will protect the vast coast line of India at a nominal honorarium and the philanthropic and benevolent-minded British will always be at their service to protect them from a foreign attack and from internal disorders. It was no use for the Indian to worry or bother about their defence, thereby killing the incentive and vigour or aptitude of the nation. It is not long ago when a small community of Northern India was able to conquer and keep under control the virile tribes of the North-West as well as of Afghanistan for about half a century, which the mighty forces of the Crown have been unable to either conquer or permanently keep under control. It is, therefore, evident that the necessary spirit and material is still available if only opportunities are afforded for their display in the service of their country. It is an admitted fact that the Indian officers of the Army, enjoying only the Viceroy's Commission, stood the strain and test of efficiency remarkably well, when left to themselves under the most trying circumstances in different theatres of war during the Great War. They proved as efficient and able to rise to the occasion as any of the European officers of higher rank. Now, this is quite recent history. There is no reason to doubt that, if higher command was granted to these people, they would do just as well. It merely comes to this, that there is only lack of opportunity and no lack of qualifications or ability. All people are necessarily backward when you deliberately debar them from progress : they are necessarily ignorant when you keep them out from education and withhold knowledge from them ; they are necessarily lazy when you deprive them of means or the incentive to work. One cannot swim if the water to swim in or the opportunity to enter it is denied. Under these circumstances, I consider that it is a vain argument to say that we are unable when opportunities are not given : when opportunities are given, we are found quite fit.

As a result of the valuable services rendered by India to the Empire in the Great War and the declaration of His Majesty's Government of the 20th August, 1917, Indians were assured of increasing association in the administration of the country, both civil and military. Diarchy was introduced in the Provinces and Indians began to be granted King's Commission in His Majesty's land forces. In the year 1922, the Government of India appointed a Committee consisting wholly of military experts for the purpose of finding out within what period the whole of the Army in India could be completely Indianised. The Committee, after thoroughly going into the matter and considering all the relevant materials and facts, came to a deliberate conclusion that the whole of the Army in India could be Indianised within a period of thirty years or in any case the latest within forty-two years. They recommended the grant of King's Commissions to 81 Indians annually during the first period of 14 years, to 182 Indians annually during the second period of eight years, and to 227 Indians during the last period of eight years. According to their calculation, at the end of 30 years, the number of Indians who will join the Commission would be 6,864—the total number of Commissioned Officers at present in both sections of the Army in India, Indian and British. I realise that the Committee had not accounted for annual wastage in these



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figures, but apparently they must have had in mind that the annual replacement, by the recruitment of Indians, of this wastage will be in addition to the figures of new recruitment suggested by them, so that their purpose may be attained of Indianising the Army in a period of 30 years. That must have been their intention. Later on, the Skeen Committee was appointed by the Government of India and reported in 1926. According to their calculations, half of the total cadre of Commissioned Officers was to be Indianised by the year 1952. They had provided for an yearly intake into the military college of about 100 cadets. It is curious, and I would call it mischievous, that the report of the 1922 Committee or even the mention of its appointment was kept secret from the Skeen Committee. The recommendations of the Skeen Committee were not given effect to as far as all the major recommendations were concerned. Then came the Round Table Conference. The Defence Sub-Committee of the Round Table Conference unanimously resolved that, with the development of the new political structure in India, the defence of India must, to an increasing extent, be the concern of the Indian people and not of the British Government alone, and, in order to give practical effect to this principle, they recommended that immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view having regard to all relevant considerations such as the maintenance of the required standard of efficiency.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Dr. Ziauddin Ahmad, one of the Panel of Chairmen.]

Mr. Chairman, it must be remembered that the Defence Sub-Committee had left the question of the pace of Indianisation to be determined by the committee of experts which was to be appointed in pursuance of its recommendations. From the proceedings of the Sub-Committee we find that when Mr. Jinnah asked :

“ We agreed in principle with the question that the Army should be Indianised, then the next question is how effect is to be given to the rate or pace of Indianisation ”,

the Chairman, Mr. Thomas, answered that his answer was that there should be, as a consequence or as net result of their recommendations, an expert Committee set up to give immediate effect to this. Lord Reading also said “ Yes ” to this. Mr. Jinnah still pressed and wanted to give some guide or to lay down some principles for that Committee, and then Lord Reading and the Chairman both stated that the matter was purely one for this expert Committee.

Further, when Mr. Jinnah was pressing for a clear indication as to pace of Indianisation or some words so definite that it will convey to the expert Committee that that was the intention of the Conference, the Chairman eventually replying said :

“ It has been pointed out that this is a matter for the experts.”

Further, in order to respond to the strong affirmation of one section of the Sub-Committee to the effect that complete Indianisation of the Indian Army should take place within a specified period as proposed in the Government of India scheme of Indianisation of 1922, known as the Shea scheme,

the Chairman further undertook that when, in pursuance of the resolution of the Sub-Committee, the expert Committee were appointed, they will, as a matter of course, take into consideration the proceedings of the Military Requirements Committee of 1921 and the Committee on the Indianisation of the Army known as the Shea Committee and the Skeen Committee. This is proof, if any proof were needed, to substantiate the contention that it was the business of this expert Committee known as the Indian Military College Committee to settle and fix the annual intake for the College, and not the Government of India. It may be mentioned here that the proceedings and report of the Government of India Committee of 1922 were kept secret even from the Defence Sub-Committee of the Round Table Conference until Sir Muhammad Shafi and Sir Tej Bahadur Sapru forced the Government to produce it. As they were the Members of the Government of India at the time, they had knowledge of the proceedings and report of this Committee. Now, let us see what happened at the proceedings of the Indian Military College Committee of 1931 which was appointed as an expert Committee, in pursuance of the Sub-Committee's resolutions, for the purpose of giving effect to them and for deciding upon the rate and pace of Indianisation. The Chairman, His Excellency the Commander-in-Chief, in his opening address on the 25th May, 1931, stated :

“ Some may say that although we hope to arrange for an intake into the new Sandhurst of 60 or thereabouts, this is going far too slow. I, however, am quite unable to advise Government to experiment with a large number of units than this will mean, until such time as we can see a little more clearly whether an army officered by Indians is going to be a fighting proposition.”

He further ruled that as far as the rate or pace of Indianisation was concerned, this was his final word and must be taken as gospel truth, and that Committee was not entitled even to discuss it, what to say of varying it. This is the manner in which the Government of India and their military advisers carry out the solemn pledges of the Sovereign or of His Majesty's Government. When we look back to the manner in which the Government of India have been deliberately evading the issue of the Indianisation of the Army, our minds are filled with horror and sorrow as to what our fate is likely to be if the destinies of India continue to be in their hands for any considerable time. The Government of India Committee of 1922 made unanimous recommendations for the complete Indianisation of the Army of India within a period of 30 years from that date. Those recommendations were fully concurred in by His Excellency the Commander-in-Chief and unanimously approved by the Governor General and his Executive Council. But what to say of giving effect to,—the recommendations were not even published, but were kept under lock and key. Had those recommendations been given effect to by the year 1936, we would have had 1,130 Indian Commissioned Officers. Then, if the Skeen Committee's recommendations had been accepted, by September this year we would have about 300 Commissioned Officers. But what we find today is about 150 as Indian Commissioned Officers. If the recommendations of the 1922 Committee were accepted by the Indian Military College Committee of 1931, even that would have provided us with about 300 as Commissioned Officers. But, alas ! the Government, instead of going forward, are going backward as far as Indianisation is concerned. It must be remembered that nowhere, even in the R. T. C., the discontinuance of Indian cadets into British Sandhurst was ever contemplated. The Members of His Majesty's Govern-

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ment and Lord Reading, *Ex-Viceroy* of India, stated in explicit terms that that must continue and was of immense advantage, and that whatever the intake for Indian Military college, the Expert Committee may, in the light of the recommendations of the Government of India Committee of 1922 and the Skeen Committee of 1926, fix that that was in addition to the present number of cadets going to British Sandhurst. It was desired that in addition to the 20 replacements of British officers by Indians from British Sandhurst, the outflow of the Indian Military College will make additional replacement of British Commissioned Officers of the Indian Army as well as the British Army in India. The Military Requirements Committee of 1921 even contemplated, as also the Round Table Conference did contemplate, the replacement of British troops by Indians. It is creditable to Lord Reading that during his Viceroyalty the number of British troops in India was reduced by 10,000, and further gradual withdrawal was contemplated.

Now, to take stock of the situation, let us begin from the year 1931 and imagine what would have happened had the Committee of 1931 not been appointed. We would have every year replaced at least 20 European Commissioned Officers in the Indian Army, and what was expected of this Committee was to increase this number of British replacement by Indians. But what do we find today? The most vicious, retrograde and reactionary steps which have been taken by the Government of India Committee of 1931, known as the Indian Military College Committee, 1931, go to the very root of the problem of Indianization. We have at present in the Indian Army alone in India as many as 3,200 British officers and about the same number or perhaps a little more in British army in India. In addition, we have in the Indian Army about 4,000 Viceroy's Commissioned Officers. The wastage among the Viceroy's Commissioned Officers is about 100 per year. The decision of the Government is to abolish the Viceroy's Commission and to replace it by Indian Commissioned Officers from the Military College, Dehra Dun. It would thus be apparent that the outflow of the Military College will not be sufficient even to replace the wastage in the Viceroy's Commission, what to say of replacing British Officers. The clear effect would be additions to annual recruitment of British Officers instead of reducing them. The ambitions and aspirations of the Indian people were that we would be keeping the present Viceroy's Commissioned Officers to which the rank and file of the Indian Army look with pride and reverence and nobly aspire, and in addition will replace the total number of British Officers with Indians. The net result of the present policy of the Government would be that the Indian Army, what to say of in 200 or in 500 years, is never going to be Indianised, as was frankly admitted by the Honourable the Army Secretary in answer to a supplementary question of mine a few days ago.....

**Lieut.-Colonel A. F. R. Lumby :** May I make an explanation with regard to that particular point? The Indian Commissioned Officers will be posted to the units of the one Division which, as I remarked this morning, is being Indianised first of all, and not only the Viceroy's Commissioned Officers in those units but the British Officers also will be replaced by them. There is no question of the present output of 60 from Dehra Dun ever being intended to Indianise the whole Indian Army. That figure is worked out on the basis of Indianising that one Division,

and that one only. It was worked out on the basis of the new establishments, which will take the place of the present establishments, in which there are both British Officers and Viceroy's Commissioned Officers.

**Sirdar Harbans Singh Brar :** But for about three years the outflow of the Indian Military College will not exceed 30, and by that time...

**Lieut.-Colonel A. F. R. Lumby :** The outflow for the first half year will be 23, but there is no reason why, after the first term, there should be the same difficulty as at the start. Of course, we have to allow for a certain amount of wastage, but I think we expect to get 58 out of 60.

**Sirdar Harbans Singh Brar :** The Bill before us is designed to secure legislative sanction from the representatives of the Indian people to this most autocratic and reactionary step of this irresponsible Government's powers, and to put Indians, who are Commissioned Officers, not in the shoes of British Commissioned Officers, but Viceroy's Commissioned Officers.

Sir, we are told "No",—we are giving you a Commission like that of a Commission in the Dominions. Dominion status is not even in sight, what to say of its becoming a reality. Declarations of the British Government, for some time past, are becoming shy of even the mention of the word "Dominion status" in relation to India. What is the fun of imitating something which has no chance of becoming a reality? The present King's Commissions, granted to Indians, are in His Majesty's Land Forces, with jurisdiction and rank recognised throughout His Majesty's British Empire, while the proposed Commission in His Majesty's Indian Forces will carry no further than the boundaries of British India, not even in the Indian States, because the allegiance of Indian States is to His Majesty the King Emperor and not to the Government of India. The Indian Commissioned Officer would, therefore, be ineligible for being lent to the Indian States or exercising jurisdiction on behalf of, and in the interests of, the Paramount Power. It would, therefore, naturally mean communal or racial discrimination between the same rank of officers in the Indian Army on the grounds of colour and race. While His Majesty's European subjects in the Indian Army will have a Commission and an authority throughout the British Empire, His Majesty's loyal Indian Commissioned Officers will be reduced to an inferiority complex with jurisdiction and status limited to British India. In the matter of command on active service, the Commissioned Officers will naturally have precedence over Indian Commissioned Officers, because their Commission is more extensive and wider. The Honourable the Army Secretary referred to the position in the Dominions. In the Dominions, an officer of His Majesty's Land Forces takes precedence from the date of his Commission. If, for instance, a Canadian Officer is appointed earlier than the British Officer, the Canadian Officer will automatically become senior, but that will not be so in India, because the Commission signed by His Excellency the Governor General will not be as extensive as the Commission in His Majesty's Land Forces.

**Lieut.-Colonel A. F. R. Lumby :** I think the Honourable Member is quite wrong over that.

**Sirdar Harbans Singh Brar :** The Army Secretary is quite mistaken. I still say so, because the regulations which are to be made by His Majesty are not known to us; they are not placed before us; we do not

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Now which particular occasions they are going to specifically mention when Indians may be given command. Unless we know those occasions,—the commanding officers, may, as a matter of privilege, or as a matter of grace grant the command to Indians, but at present in mixed formations, the command will automatically go to the senior officers in His Majesty's Land Forces, be they Indian or British, but with the rank of the Dehra Dun cadets being reduced from that of a Commission in His Majesty's Land Forces to that of a Commission in His Majesty's Indian Forces, one having a Commission in His Majesty's Land Forces will, in the present circumstances, unless the rules specifically lay down to the contrary and for ever, and for all time and for all occasions, have precedence over the Indians. At present the battalions are mixed formations even in peace time, and how are they to be governed in the matter of command? Let the Army Secretary, on behalf of His Majesty's Government and on behalf of the Government of India, say that seniority in the Army in India will be governed by the date of their Commission, whether they, the cadets, come from the Dehra Dun College or whether they come from the British Sandhurst, and that whoever is senior will have the right of command, and then we will be satisfied on that issue. The Indian Commissioned Officers, even though senior in rank, will not be entitled to sit on court martial of European Commissioned Officers who will be junior to them. I hope the Army Secretary concurs in that.

(Lieut.-Colonel A. F. R. Lumby nodded assent.)

He concurs. Therefore, the inferiority complex comes in there. If an officer who is commanding cannot punish those officers who are under him, if he cannot sit in judgment over them how is he to command? It is curious to see that they are going to provide for his command without the right to sit on court martial over his juniors.

**Mr. B. Das :** In the same way as Indians are Governors of Provinces !

**Sirdar Harbans Singh Brar :** Mr. Chairman, Indians are a sentimental people and they attach more importance to an act being done by their Lord, the Sovereign, His Majesty the King Emperor of India, than by His Majesty's representative in India. They will feel much injured in their pride if they are told that His Majesty's hands feel tired to append signatures on a few Commissions to his coloured subjects, but not so in the case of Britishers, that for His Majesty's Indian subjects His Governor General's initials should suffice and they ought to remember that, after all, they are subjects of a dependent and a slave race, that they should not aspire to equality with comparatively fairer looking subjects of His Majesty belonging to the ruling race, and that India ought to remember that the policy of His Majesty's Government is to fight shy of using even the words "Dominion Status", what to say of granting it. I would, therefore, recommend to His Excellency's Government to at least postpone this measure, if not withdraw it altogether, so that more mature and considered judgment may be passed on it by the representatives of the people of India in this Central Legislature pending the actual conclusions arrived at by His Majesty's Government in the United Kingdom on the proposed Constitutional Reforms for India and the rules to be made under this Act. I do hope and trust that the Government and Honourable Members of this House will forgive me for the valuable time I have

taken of theirs, but the importance and magnitude of the subject demanded it. I thank the Honourable House for the attention and patience with which they have listened to my humble remarks.

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, the Bill under consideration is more or less the result of an insistent demand on the part of Indians for the grant of King's Commission to Indians dating as far back as the establishment of the Indian National Congress. I do not like to dwell on the history of the origin of the demand, but I may state clearly that from the beginning we wanted King's Commission for Indians always with the idea of obtaining the same rights and privileges for the Indian as well as the British cadets. I only desire to prove that, in meeting the wishes of the people of this country, the Government granted as far back as 1905, a special form of King's Commission in His Majesty's Native Indian Land Forces. This Commission carried only the power of command over Indian troops and the holders of such Commissions could not rise above the position of a company officer in a regimental unit.

Sir, the present Bill, though not so very bluntly, but indirectly and politely, desires to side-track these cadets who will come out of the Dehra Dun College in so far that they will not have the right of command over British units as a matter of right, but some of them may be given such chance of commanding British units by appointments. But these officers will not have the right to sit on a court-martial for trying British officers even by the framing of regulations by His Majesty's Government. In this connection, I may say that the commission which was thrown open in 1905 did not satisfy the Indians, and agitation for equality of status was carried on vehemently till 1918, when, during the War, a Cadet College was opened at Indore which remained open only for a year but which was closed as soon as the War was over. But all the cadets of that college were given the full equality of rights without any reservation like their British confreres. Here I may read the following sentence of the Skeen Committee Report of 1927, which will show the attitude of Indian leaders as regards equality of status even as far back as 1918 :

"Again, in 1918, the honourable part played by India in the Great War and the invaluable service which India then rendered to the Empire brought to Indians the realisation in some measure of the privilege which they had long claimed to be theirs as of right. Indians were declared eligible on equal terms with British youths to receive the King's Commission in His Majesty's Land Forces, which carries with it the power of command over British as well as Indian troops."

Even in 1922, when the Prince of Wales Royal Military College was opened at Dehra Dun, it was done with this following object as stated in the Skeen Committee Report :

".....for the purpose of giving prospective candidates for the army an education, commencing from an early age and on English public school lines, such as would fit them not only for the entrance examination but also for the subsequent ordeal of the Sandhurst course of training, and for their future association in the Army with British comrades."

In the course of their Report, the Skeen Committee declared in unambiguous terms the equality of status between the Indian and the British officers holding King's Commission. With your permission, Sir, I read the extract as follows :

"An Indian King's Commissioned Officer must, like the British officer, be capable of handling mixed bodies of men and for that purpose he should have the advantage of some period of association with the British cadets who are taking up commissions at the same time as himself."

[Mr. Bhuput Sing.]

Further on they state as follows :

“ With Indianisation proceeding in the Army in any measure, the only means of ensuring successful Indianisation and, concomitantly, the maximum degree attainable of military efficiency, is to allow Indian officers to serve shoulder to shoulder with British officers each learning from the other in every unit of the Indian Army.”

So the demand of those of us, who appended the minute of dissent to the Bill, is not a new one. It is rather surprising that, after about 50 years of agitation, when the Government brought into existence the Indian Sandhurst, it was only with the idea of forming an inferior cadre of commissioned officers as that of the Provincial Civil Service in the civil administration. It appears that the Government of the day is being carried away by the opinion expressed in Sir Valentine Chirol's book published as far back as 1926. We find there the following passage which reads as follows :

“ But the racial feeling provoked by the question of Indianising the Army is not confined to the Indians. Though the Army Department may wish now to approach it chiefly from the point of view of military efficiency, it has to reckon with the strong racial objections of British officers to being placed in the position of ever having to take orders from Indian officers. Nor can one ignore the danger of personal friction between British and Indian officers with their very different outlook and social habits if they are made to rub shoulders in a common messroom. But the feeling goes far deeper, and responsible and experienced British officers, not unnaturally proud of the confidence and even personal affection of their native officers as well as of their men, are found to declare that the Englishman's prestige with the native troops themselves will be gone if they are ever placed under other than British command.”

The Government in their temporary victory over the Indian National Congress may think that they have been able to completely break up the solidarity of the Congress by the communal electorate and the Communal Award, and, therefore, they can with impunity go back on their old promises and treat these Indians in this particular matter as they are treating today. I am not surprised by the attitude of Government so much as I am surprised by the attitude of some of my countrymen who are prepared to swallow this bitter pill without even raising a combined voice of protest against the assignment of inferior position to our young men who come out successful out of the Indian Sandhurst after spending a good deal of their parents money for no career worth the name. Every now and then we hear that if pay and prospects of the Imperial Services be reduced, no suitable Englishmen from English Universities would be forthcoming for taking up these posts in India. Sir, on that analogy, I claim that the same consideration has not been shown by Government in proposing an inferior status to the cadets of the Indian Sandhurst College at Dehra Dun. When this Indian Sandhurst was opened, the primary consideration was to get the right type of Indian recruits who would like to take the Army service as their career in life. If now we agree with Government and give them a lower status, the right type of Indian recruits, with a grain of self-respect in them, would not be forthcoming. Further, those who will come forward for admission into college and will be posted in the army will always be smarting under a racial inferiority which is not at all desirable. I admit that there may be technical and legal difficulty for this House to legislate on the subject conferring complete equality of status to the Indian cadets from the Dehra Dun Military College, but, at the same time, I cannot absolve the Army Department and the Government of India for not taking suitable

steps with the Secretary of State before bringing this Bill in this House. Certainly it was open to them to press on His Majesty's Government the views of the whole of India which has so unmistakably been ventilated both in the Press and on the platform for the last half a century if not more. Knowing the feelings of the country, it does not behove them now to come forward with the plea that these omissions will be rectified by Regulation as far as possible. Once the Bill is passed into law, this House will have no control either over the Government of India or His Majesty's Government. So far as the framing of proposed Regulations are concerned, I for myself have got my shrewd suspicions that once this legislation is passed, the Government may in their usual manner frame the Regulation to give us the shadow and not the spirit.

**Sir Abdur Rahim :** The subject dealt with by this Bill is one of the utmost importance and, it is, therefore, necessary that I should ask the House to listen to me while I go on explaining the position with the usual patience that the House always accords to me. My Honourable and gallant friend, Colonel Lumby, seemed to be somewhat disappointed at the minute of dissent which some of us have put in. He is disappointed because he thinks that we did not sufficiently appreciate the importance of the concession which he made in the Select Committee, that as a matter of fact we are giving a wrong lead to the public, while we emphasize the fact that the officers coming out of the Dehra Dun Military Academy will not have the same opportunities as the officers who are recruited from Sandhurst and Woolwich. We, in the Select Committee, were very much impressed by the conciliatory spirit which was shown by my Honourable friend, the Army Secretary, but as the army is a sealed book to most of us, we had to grope our way somewhat slowly and to find out what really was at the bottom of this Bill by questioning the Army Secretary at almost every stage. Sir, the design of this Bill, which seeks to amend the Indian Army Act, is of an extremely limited character. As the House is aware, the Indian Army Act, is intended to apply only to Viceroy's Commissioned Officers and non-commissioned officers and the rank and file of the Indian Army. It was never designed with a view to regulate the status and opportunities of officers enjoying a full commission in the army. We also know that the Viceroy's commissioned officers have very limited opportunities to command. I think, at the highest, they can be only platoon commanders, and they can go no further.

**Mr. B. Das :** They can be Honorary Captain like my friend, Captain Sher Muhammad Khan.

**Sir Abdur Rahim :** The Viceroy's Commission, as has been pointed out by my Honourable friend, Chandhri Lal Chaud, is, however, of some importance and value to the sepoy, to whom it gives the opportunity, by meritorious service, to attain to a somewhat higher rank. But for the purpose of commanding the Army, the Viceroy's Commissioned Officers' opportunities are extremely limited ; they, indeed, hardly exist. The House is fully aware, how, for a long time, a very strong agitation was being carried on in the country in order to secure Indianization of the officer personnel of the Indian Army in order that India may at some time become as self-reliant, as self-sufficient and as efficient, in the matter of defence, as any other country. We have always felt and felt very deeply that it is not the right policy that a country like India, with its population of 350 million or 400 million, should be always dependent on others



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for their defence from outside aggression and for internal security. The question is one of the outstanding questions that were mooted at the Round Table Conference and there, after considerable deliberation, the conclusion was arrived at that if India was ever to become self-reliant in matters of defence, then it was absolutely essential that a Military College should be established in the country and that there should be no need for young Indians to go to Sandhurst and Woolwich for military training. The assumption throughout was—and if I am wrong I hope my Honourable friend will correct me—that the Indian cadets or officers who will be recruited through the Military College in India should have exactly the same opportunities for leading the army in due course, when they are found fit for it, as any other officers (Hear, hear) ; otherwise, there was no object in asking the Government to establish a military college here, which does, after all, mean considerable expense.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Sir, that was the very basis on which the Round Table Conference proceeded and they made a very strong recommendation to the Government of India that steps should be taken at once to establish a military college in this country. Sir, in accordance with that recommendation of the Round Table Conference, an expert Committee was appointed here and I happened to be a member of that Committee, though no one will accuse me of being an expert in military matters ; anyhow, I was there, and there were several other Indians, who also were no more military men than myself (Laughter), who were also members of that Committee. His Excellency the Commander-in-Chief was the President of that Committee and throughout its deliberations—I say this without the least fear of challenge or contradiction from anyone—it was never even suggested that the officers who would be given their commissions on having passed out of this Academy should not have, in every possible respect, the same chances not only of promotion but of command—which is the most essential thing in the army—as the British Officers (Hear, hear.) Sir, that being the position, we have now to see how far that expectation is going to be realized. We have been told by my Honourable and gallant friend that this Bill is of very great importance to India because if the Bill is passed by the Indian Legislature, the Indian Legislature, afterwards, will have control of legislation on this point. But what is the legislation ? We know the Indian Army Act deals only with questions of punishment and courts-martial and matters of that nature, and it is concerned, not with officers holding the King's Commission, but, with officers holding the Viceroy's Commission and non-commissioned officers and warrant officers.

Now, it is proposed by the Army Authorities that those who have passed out from the Military College at Dehra Dun will receive what is called the Indian Commission, and my Honourable friend very triumphantly points to the analogy of the Canadian Commissions and the Australian Commissions. Sir, when my Honourable and gallant friend introduced this Bill, I ventured to point out that the mere name would not make the slightest difference ; that when you have not got the substance of a Dominion Government, merely calling the commission that will be given to the army officers who will be recruited from Dehra Dun " Indian Commissioned Officers " will not put us, so far as army administration is

concerned, on the same level as Canada or Australia. In the Select Committee we had to sift this matter as carefully as we could. It struck most of us when this Bill was introduced and we heard the very eloquent speech of my Honourable and gallant friend—it struck us,—“where was the necessity of having another and a different form of commission to that which is in vogue at present”? All that we were told was, that somehow or other, that would enable us to legislate for the officers who would be given the Indian Commission as distinguished from officers holding the King's Commission.

Now, the first thing that we should like to know in a matter of this nature from the Army Authorities is, when you are introducing a new Commission in the Indian Army, what is the scope and value of that commission? That is the first question that we are bound to ask. And what is the answer? We were told that the officers from our Military College at Dehra Dun will have the same opportunities of promotion and power of command, rank and precedence as the British Officers in the Indian Army. But we had to probe that matter further and we had to find out exactly what was meant. At first we were rather impressed by the assurance given by my Honourable friend in the Select Committee in this connection, but the question struck most of us as to what will be their position in what are called the mixed formations? The House knows that in the Indian Army there are mixed formations and His Excellency the Commander-in-Chief pointed out in the course of a preliminary speech to the Committee that in modern war we do not fight with heterogeneous units but we fight in formations, brigades, divisions and army corps. Take, for instance, a brigade. A brigade consists of a number of regiments—say, two Indian regiments and one British regiment. Then several brigades form a division. Therefore, all these higher formations have a mixed British and Indian personnel. Up to the regiment or battalion in an Indian army, it consists of an entirely Indian personnel consisting of Indian sepoys almost entirely, if not entirely. Thus, so far as we have been able to understand, there will be no difficulty so far as the command of a battalion is concerned in the way of officers from the Dehra Dun Academy. They will have exactly the same opportunities of command as the British officers in the Indian army. By British officers, I mean, as the Act defines, not only British by race but also those Indians who have passed out from Sandhurst and Woolwich, about 140 in number. But when we come to higher commands from that of a brigade upwards, the question arises whether an Indian Commissioned officer who has been trained at the Dehra Dun Academy will have the same opportunities of command as the British Officers? The Army Secretary or rather the majority of the Select Committee point out in their report that they will not have the same opportunities. They will not automatically have the command in mixed formations as Indian Commissioned officers. The Select Committee say :

“We realise that the Indian commissioned officer will not automatically have any powers of command such as are possessed by British officers, as defined in the Indian Army Act, in relation to British personnel of the British Army in India. But we are assured that Regulations are being framed by His Majesty's Government to cover such powers of command, and that these regulations will in effect empower a commander from H. E. the Commander-in-Chief down to the Commander of a station to appoint the occasions on which Indian commissioned officers may exercise powers of command in relation to personnel of the British Army in India under his command.”

[Sir Abdur Rahim.]

Now, is not there a very substantial distinction between the two cases? The British officers will automatically attain the command if found fit and if they have undergone the necessary training and if they are selected by the higher authorities. But that is not the case with the Indian Commissioned officers. They may be equally fit and their record may be as good and as clean as that of any British officer, yet they cannot in the ordinary course expect to attain any of these higher commands in mixed formations. In their case, it will be left to the Commanders not even to give them so many commands out of so many, but to appoint the occasions on which they will be competent to command the British personnel, for if they do not command the British personnel they cannot command mixed formations at all. This is a very different thing altogether. My Honourable and gallant friend made a great deal of the question of superiority and inferiority complex. He is not only a very eloquent speaker but a skilful Parliamentarian. (Hear, hear.) He did his best to draw a red herring across our path but we are used to these things from the Benches opposite. It is not a question of inferiority or superiority complex. My Honourable friend waxed eloquent when he said that if any British officer dares to evince any sort of superiority complex, action will be taken at once. There can be no doubt about that, but the question is not whether you are providing for superiority or inferiority complex. We are not concerned with that. That is more or less a personal matter. What we are concerned with is what status you are going to give and what opportunities you are going to give to these Indian Commissioned officers? And if you are not going to give them opportunities for higher commands, then we have a right to complain. Were we, therefore, wrong in pointing out that their position will be more or less like that of provincial officers in the Provincial Civil Services? My Honourable friend will know that provincial officers can attain some of the listed appointments occasionally if the Government so choose to appoint them. But that is not the position of the Indian Civil Service officers. In their case there is no bar. Similarly, in the case of the British officers in the Indian army, they are entitled to look forward to these commands unless they are found unfit. May I ask, what reason is there for drawing this distinction between an Indian Commissioned officer, who is found equally fit, not to give him exactly the same chances as to the British officer? Sir, I have said on previous occasions that I am a great admirer of the discipline of the British army and I repeat that now. So far as I know,—and I am sure I shall be confirmed by the Honourable the Army Secretary,—officers are not promoted except on very strict selection. At almost every stage they have to pass certain examinations which are necessary for the next promotion. Even then a selection is made. The men are carefully sifted whenever the question of command comes in. For instance every Captain is not entitled to the command of the company nor even a Major. I think I am quite correct in making that statement. Therefore, there is not the slightest danger in putting these Indian Commissioned Officers on the same footing as the British officers, because the higher authorities have got absolute selection in the matter and they will not promote any officer to any command unless they are fully satisfied of their competence to hold that command. Then the question comes to this, that if the Indian Commissioned Officers, when they have reached a certain

stage in their career, cannot confidently look forward to attaining a command, what will be the position of those officers? Do you think that is good for the Indian Army? I put this question bluntly and frankly to my Honourable friend. I am certain that military officers will say that it would be a very bad thing for the army if these officers who are found fit and capable of leading are not given a chance to do so. Sir, that is a most serious question that has arisen over this Bill. We were inclined to be satisfied, when my Honourable friend just assured us, that if he could not agree to a statutory provision being introduced, the Army Authorities will see to it that proper Regulations are framed in order to regulate the matter. But, when he himself had to admit that even when these Regulations are framed, those Regulations cannot and will not provide for the automatic promotion of Indian Commissioned officers to command, then I do not see what right he has to ask us to say that he is giving the Indian Commissioned officers the same opportunities to command as the British Officer. There is no good having hundreds or two hundreds or 500 Indian officers if they are not given the opportunities to command. If they are not given the chance to lead an army in active service and also to command an army in peace conditions, then it is no good having such officers. That is why we say, the position you are assigning to these officers is something intermediate between the British officers and the Viceroy's Commissioned Officers. Is that inaccurate? Then, I wanted to know, while my Honourable friend was speaking, what are the occasions which will be appointed by the Commanders on which the Indian Commissioned officers can exercise the powers of command over mixed personnel. My Honourable friend was not able to give us any sort of answer. He says he cannot anticipate the regulations which are going to be framed by His Majesty's Government and, if that is so, how can we be satisfied with a position like that.

**Lieut.-Colonel A. F. R. Lumby :** What I said was that the occasions  
 4 P.M. to be appointed will be occasions when it is necessary  
 for the efficient co-operation of the two portions of  
 the Army in India for such powers of command to be given.

**Sir Abdur Rahim :** Exactly. I wanted to know some concrete examples of such occasion. May I mention one occasion which my Honourable friend revealed in the Select Committee, if he has no objection.

**Lieut.-Colonel A. F. R. Lumby :** I am not the Commander-in-Chief or even a Commander of a Station, but the first thing that happens to the young officer when he passes out of Dehra Dun is that he goes and is attached to a British regiment for one year. I should think his position would be regulated under the proposed new provision during the course of his period of attachment to a British regiment. As I say, I am not the Commander-in-Chief and I cannot state this definitely, but I suggest it is a possibility.

**Sir Abdur Rahim :** We are not concerned with phrases like appointing occasions. My Honourable friend is not able to tell us, either of his own accord or on instructions from the Commander-in-Chief or from the Army Authorities from England, as to what are those occasions. How can we, therefore, say that our men are going to have any proper opportunities? I want to appeal to the sense of fairness and justice of my Honourable friend opposite. Is not that the real position? Is

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there any word in our minute of dissent to which he can take objection as being inaccurate or misleading or exaggerating the position. (Hear, hear.) As I have said, the crux of the whole position is, how far the Indian officers will, in course of time, if found thoroughly fit, be able to exercise the higher command, bearing in mind that a higher command in the Indian Army means command of mixed formations with British and Indian personnel. My Honourable friend has said that when the young officers are attached to a British regiment here for the purposes of training for one year, they will have some sort of power to command British personnel. But what is the power of command of an officer like that? I dare say there will be regulations laying down that the British soldiers will salute them and things like that. (Laughter.) Is that of any value? We really want to know what will be the position of these officers with respect to mixed formations? When you have done away with mixed formations, I can quite understand the position of the Army Authorities. Then the question does not arise but there is no promise and no assurance that mixed formations are going to be done away with.

**Lieut.-Colonel A. F. R. Lumby :** Mixed formations are by no means a necessity. We often have a complete Indian brigade, but it so happens that in the past organisation the war brigade has usually consisted of one British infantry battalion and three Indian infantry battalions. There is, however, absolutely no reason why we should not have a completely Indian organisation. If, I may, I will read what His Excellency the Commander-in-Chief said when he opened the Indian Military College Committee. He said :

“ In dealing with the expansion of Indianisation, our object is to create a recognised combatant force on a purely Indian basis which would in time replace a force of a similar size in the Imperial Army. For it is by the gradual replacement of Imperial fighting formations alone that India will be able eventually to assume responsibility for her own defence.”

**Sir Abdur Rahim :** These words, eventually, gradually and in due course of time, we are all perfectly familiar with, though my Honourable friend may not be so familiar. We know also in what sense the word ‘emergency’, for instance, is used by the Treasury Benches. I mean we are not going to be taken in by phrases of that character. Now, let us see what is the pace of Indianisation. What was the promise held out against our protests? They promised sixty officers a year. Now, the Army Authorities say there will be only 23 officers during the first term, and say, perhaps, 23 more in the next term. Now, how many years will it take to get sufficient officers for a complete division? I think the Commander-in-Chief himself in his speech said that it will take about 20 years for a complete division to be Indianised. Now, we have got six divisions and that makes—if there is no wastage, my Honourable friend rightly says there will be wastage—if there were no wastage, which is hardly possible, then at the rate of 60 men it will take 120 years! Is that a proposition which we can contemplate with any amount of satisfaction. This only refers to the Indian Army. A lot more still remains. There is the Air Force and we have got no facilities here for training for the Air Force which is the most essential wing of any Army nowadays.

Now, there is another very significant fact which I must bring to the notice of the House and that is this. In the Select Committee, my Honourable friend, the Army Secretary, who was assisted and advised by the Judge Advocate General, who is the legal adviser of the Army, accepted an amendment to clause 5, which is a very important amendment. (Clause 5 is to amend section 7 of the Indian Army Act ; and section 7 (8) of that Act is very important. That sub-section reads :

“ Army, Army corps, division and brigade—(*these are the higher formations*)—mean respectively an army, army corps, division or brigade which is under the command of an officer subject to the authority of the Governor General in Council,”

—So far that is all right. It goes on—

“ or when on active service, an army, army corps, division or brigade under the command of an officer holding a commission in His Majesty's Land forces.”

That excludes Indian Commissioned Officers. My Honourable friend shakes his head. Therefore, in order to make sure, we asked him to accept an amendment to make the position clear, and he did accept the amendment—that is in clause 5 (f)—

“ to clause (8) the words ‘ or His Majesty's Indian Forces ’ shall be added ; ”—

that is to say, a division, brigade, army corps or army on active service, could be commanded not only by a British Officer but also by an Indian Commissioned Officer. Otherwise, as it stands at present, in the Indian Army Act, it *prima facie* means that only a British officer—an officer holding a commission in His Majesty's Land Forces, which technically means a British Officer and not an officer holding an Indian Commission as defined in the Bill,—when on active service, will be able to command these formations. Now, I find that the Political Secretary here is very much perturbed : I do not know how the Political Department is specially affected by this amendment, but he apparently is very much perturbed because he has given notice of an amendment to the effect.....

**Mr. H. A. F. Metcalfe** (Foreign Secretary) : I should like to say, Sir, that I am not in the least perturbed and that I am not the Political Secretary.

**Sir Abdur Rahim** : I quite appreciate that he personally is not perturbed—I was under no illusion as to that. I meant the Foreign Secretary : he has now put in an amendment, I take it, at the instance of the Army Authorities, in order to get rid of it. What does that mean ? We have not yet heard the Foreign Secretary and what reasons he is going to advance. It was suggested by my Honourable friend, the Army Secretary, that the amendment that stands in my name to clause 5 is out of order or *ultra vires*. However, I am sure, he has been advised afresh by the legal adviser of the Army, the Judge Advocate General, and he will give us the benefit of his arguments, unless my Honourable friend, the Law Member, chimes in.

As I said this proposed amendment which stands in the name of my Honourable friend, the Foreign Secretary, is extremely significant and throws a flood of light on the whole position. I do not think it is necessary that I should take up any more of the time of the House. The position is quite simple. In a few words, it is this : you are creating a new commission for our officers for whose training you are spending lakhs of rupees. We do not grudge the money, provided those officers are going to have a good chance of being able to command the army here. We want

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to know from you and we want to provide in order to make it clear to the public that the commission will not be of limited scope, that it will have the same scope as the King's Commission. It is not merely the name. I know the Commission will be granted by His Majesty and countersigned by the Governor General ; but that is not all. The question is as to the respective effect of the two commissions. If the two commissions are of the same scope we have no objection. We shall express to the Army Authorities and to the Army Secretary our deep gratitude for having brought forward this Bill, provided he gives a definite assurance to that effect. What do we want ? We want only a general provision in the law laying down that the opportunities will be the same. You do not deny the principle ; you know there will be a great many practical difficulties unless this is conceded. But, possibly, there is some other objection, some legal objection. Apart from any legal objection, if it exists, are we to be told that you are absolutely helpless in the matter ? Cannot you provide for this in some way or other ? You say that, even in the regulations that are going to be drawn up or are being considered by His Majesty's Government, there will be some distinction left. I ask the Army Authorities to remove this distinction. You give us an assurance on the floor of this House that by regulations you will remove the distinction and put the Indian Commissioned Officers exactly on the same footing of equality as the British officers in every respect with regard, not only to the units of the Indian army, but with regard to all formations. In that case, I shall be prepared not to press my amendment. But we want an assurance to that effect. It is because my Honourable friend failed to give us an assurance on that crucial point that we had to write this minute of dissent. If he gives us that assurance, even now, it is not too late. I appeal to him to do that. We do not want by a provision like this to tie up the hands of the Army Authorities in any way. We simply want to give a general assurance to the public in this country and also to the Army Authorities also, that in all these matters, these officers will have the same status as the British officer. Then it will be for them to draw up any rules and regulations they like for sifting the quality and efficiency of the different classes of officers : we do not object to that. Let them have as rigorous examinations and as rigorous tests as possible. We do not quarrel with that. All that we want is that this principle should be clearly and lucidly laid down in some form or other, and as we cannot frame any regulations, we have asked that a provision should be inserted in the Indian Army Act to that effect. And why have we asked for that ? Because there is no other Act before us. You are creating by this very Act a class of officers called the Indian Commissioned Officers, and, I say, that it is your duty, as you are creating this class of officers, to tell us what will be their functions, what will be their duties, and what will be their opportunities of command. This is all that we want, and I say this is an extremely modest request. It does not show any want of appreciation on our part of what the Army Authorities propose to do in order to Indianise the army. We merely want an assurance which will reassure the public, and especially the young officers coming out of Dehra Dun. (Applause from the Opposition Benches.)

**Lieut.-Colonel A. F. R. Lumby :** Sir, the Honourable the Leader of the Opposition has asked me to state what exactly will be the position and the powers of the Indian Commissioned Officers when they come out from

Dehra Dun. There are two aspects to this question. First of all, there is their position in the Indian Army, and secondly their position *vis-a-vis*, the personnel of the British Service, that is to say, the British portion of what we call the Army in India. As regards the Indian Army, as I have said before, these officers, though they will have a different kind of commission, and though some of their terms of service will be different, will be on exactly the same footing as the British officers of their own seniority. As regards the British service, the position is different. The British service is an entirely separate service from the Indian Army, and is controlled by His Majesty's Government. I think I am right in saying that the fact that His Majesty's Government are not prepared to give to Indian Commissioned officers the same powers of command over British Service personnel as are possessed at present by the British officers of the Indian Army is not due particularly to the fact that they are Indians. It is merely because the British Army is a separate service and His Majesty's Government would not be prepared to give complete powers of command to anybody who did not belong to the service. They have, however, said in effect that the opportunity of exercising the powers of command will be given to these officers, on such occasions as will be necessary, to enable the British and the Indian portions of the Army in India to function together efficiently; and, after all, an army must function efficiently or it might just as well be disbanded. Authority is, therefore, to be given to the Commander-in-Chief and other commanders in India to appoint occasions when the powers of command may be exercised by the Indian Commissioned officers over British *personnel*, and the occasions, to be appointed, will be the occasions when it is necessary for the efficient working of the two portions of the army that such powers shall be exercised. What those occasions are, I, as only half a soldier, am not in a position to say. But efficiency is, after all, the Army's chief aim, and these occasions will be appointed with due regard to efficiency. As regards this question of command.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This point should perhaps be made quite clear, because it might arise in the point of order which the Honourable Member has said he would raise. The Chair understood the Honourable Member to say that, so far as the Indian army is concerned, the Indian Commissioned Officer would have the same status and power of command as a British Officer in the Indian Army. Is the Chair right?

**Lieut.-Colonel A. F. R. Lumby** : Yes.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Well, if that is so, that is exactly what the amendment wants. "The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army....."

**Lieut.-Colonel A. F. R. Lumby** : My difficulty, Sir, lies in the words "in units and formations",—the very point on which the Honourable the Leader of the Opposition has laid considerable stress. I think his amendment is intended to refer to mixed formations. The mixed formation, which we frequently have in India, includes troops both of the British Service and of the Indian Army, and the Indian Commissioned officer will not have any automatic power of command over the British Service portion of a mixed formation. The question is not, however, likely to arise for more than 20 years from now, for nobody, except



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possibly in time of war, is likely to gain command of a brigade with under 20 years service, and we have not got the Indian Commission in existence yet. Sir, the fact, that the Indian Commissioned officer will have no automatic command over mixed formations, does not necessarily mean that no Indian Commissioned officer will ever be able to get command of any such formation. This is one of the things which would lie in the power of His Excellency the Commander-in-Chief. I cannot say whether a Commander-in-Chief, twenty years hence, would appoint an Indian officer to command, but it seems to me, though it is very difficult to prophesy, that if, as the Honourable Member has suggested, these Indian officers have passed all their examinations and justified their promotion at all stages, it will be difficult to refuse command of a formation to them. The alternative would be to make all higher formations in India purely British and purely Indian. There is no reason why that should not be done. In any case, I am absolutely convinced of one thing, and that is that, whatever rules may be made in respect of mixed formations, the opportunity will be given to efficient Indian officers to rise through the various stages to command higher formations. Otherwise the efficiency of the army will suffer, and it will be impossible also to carry out the Indianisation of the Indian portion of the Army....

**Sir Abdur Rahim :** Why confine it to occasions ?

**Lieut.-Colonel A. F. R. Lumby :** It is merely a way of putting it. I am not a lawyer, but it seems to me....

**Sir Abdur Rahim :** Then accept my wording. (Laughter.)

**Lieut.-Colonel A. F. R. Lumby :** It seems to be a very wide term, covering every conceivable kind of opportunity of command, provided the commander is satisfied that the circumstances....

**Sir Abdur Rahim :** Did you have need for the same kind of phraseology regarding British Officers in your Regulations ?

**Lieut.-Colonel A. F. R. Lumby :** As regards the British officers of the Indian Army, the situation is really fortuitous, because they are subject to the Army Act, and, by virtue of that fact, have command over both British and Indian troops. That is one of the chief difficulties of the position which we have got to cope with in the transitional period before the process of Indianisation is completed.

It has been suggested, as an alternative to the present scheme, that we should go on giving to the officers coming out from Dehra Dun the same form of Commission as is now given to those who are trained at Sandhurst. I maintain that now is the time to make a definite change. We have opened a new Academy, and if you are going to introduce a new form of commission,—and I maintain that sooner or later, if the aspirations of this country for Indianisation are to be attained, you will have to have a new form of commission,—then I say that now is the time to introduce it and your new type of officer, simultaneously with the opening of your Academy. Otherwise, in the years to come, exactly the same situation will arise as we hope to avoid in our present scheme, and there will be the same question of superiority and inferiority complex. But in that case it will not be a case of British officers and Indian officers, but merely of two different types of the Indian officer.

Another point, though a comparatively small one, to which I want to refer, is the question of the conditions of service of the Indian Commis-

sioned officer. My Honourable friend, Mr. Jadhav, appealed to me to do something to ensure that the senior officers, British or Indian, in the Indianising units to which the boys from Dehra Dun are appointed, will not set them too high a standard of living. I can assure the House that the military authorities are doing everything they can to make it possible for the Indian Commissioned officer, even though he draws a lower rate of pay, to live on that pay, and one of those steps will, I am sure, be to make certain that nobody in the Indianizing units will be allowed to set an unnecessarily high standard of living.

My another point is the question of the gradual abolition of the Viceroy's Commissioned officer. That is, to all of us in the Indian army, a very sad thing, but it is one of the corollaries to the proposal to Indianise the Army. The Viceroy's Commissioned officer was primarily a link between the British officer and the Indian ranks. The reason for such a link will no longer exist when Indianisation proceeds further. There is no other army in the world that has two kinds of commission among its officers, and the existence of the second kind of commission, though it was necessary for a particular purpose, when most of the officers of the Indian Army were British, has definitely led to an over-complicated administration which does not make for flexibility, a thing, which is most important in the army. This question of the abolition of the Viceroy's Commissioned officer has been considered from every point of view by His Excellency the Commander-in-Chief, and all kinds of opinions have been taken on the subject. Ultimately, with great regret it has been decided that from the point of efficiency of organisation and administration it would be wrong to maintain this second form of commission in Indianising units. It was realised that the decision would be a hardship to the men who enlist at the present time who can aspire to obtain the Viceroy's Commission. The hardship is, of course, not quite as great as it appears at first sight, because now, many of those who would have aspired in the ordinary course of events to the Viceroy's Commission, are taken out of the ranks and sent to Dehra Dun to get their training with a view to their obtaining Indian Commissions instead of Viceroy's Commissions. But still that is not considered sufficient to mitigate the undoubted hardship, and, as a palliative at any rate, it is proposed to include in the establishments of Indianising units a number of appointments as warrant officers corresponding to those which exist in British regiments. These appointments, though they will admittedly not carry with them as much *izzat* as the Viceroy's Commission, will have a rate of pay and pension attached to them which will not be very far behind the rates available at present to the junior Viceroy's Commissioned officer,—the Jamadar.

One other matter to which I must refer is the point raised by Mr. Jadhav about the opportunities for employment outside the army which will be available to the Indian Commissioned officer. As far as I know, there is no proposal to reduce, in any way, the opportunities for extra regimental employment which are available to officers holding the King's Commission; and, after all, the Indian Commissioned officer will hold the King's Commission just as much as the officer who was trained at Sandhurst. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“That the Bill further to amend the Indian Army Act, 1911, for certain purposes, as reported by the Select Committee, be taken into consideration.”

The Assembly divided :

AYES—44.

Abdul Aziz, Khan Bahadur Mian.  
 Ahmad Nawaz Khan, Major Nawab.  
 Ali, Mr. Hamid A.  
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
 Bajpai, Mr. G. S.  
 Bhudrapur, Rao Bahadur Krishna Raddi B.  
 Buss, Mr. L. C.  
 Chatarji, Mr. J. M.  
 Craik, The Honourable Sir Henry.  
 Dakil, Dr. R. D.  
 Fazal Haq Piracha, Khan Sahib Shaikh.  
 Ghuznavi, Mr. A. H.  
 Grantham, Mr. S. G.  
 Hockenhill, Mr. F. W.  
 Hudson, Sir Leslie.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar Sir.  
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
 Lee, Mr. D. J. N.  
 Lindsay, Sir Darcy.

Lumby, Lieut.-Colonel A. F. R.  
 Metcalfe, Mr. H. A. F.  
 Morgan, Mr. G.  
 Mukherjee, Rai Bahadur Sir Satya Charan.  
 Noyce, The Honourable Sir Frank.  
 Perry, Mr. E. W.  
 Rafiuddin Ahmad, Khan Bahadur Maulvi.  
 Raisman, Mr. A. J.  
 Rajah, Rao Bahadur M. C.  
 Ramakrishna, Mr. V.  
 Rau, Mr. P. R.  
 Richards, Mr. W. J. C.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Scott, Mr. W. L.  
 Singh, Kumar Gupteshwar Prasad.  
 Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Trivedi, Mr. C. M.  
 Zakaullah Khan, Khan Bahadur Abu Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir.

NOES—31.

Abdul Matin Chaudhury, Mr.  
 Abdur Rahim, Sir.  
 Ba Maung, U  
 Badi-uz-Zaman, Maulvi.  
 Bhuput Sing, Mr.  
 Das, Mr. B.  
 Gour, Sir Hari Singh.  
 Harbans Singh Brar, Sirdar.  
 Ismail Khan, Haji Chaudhury Muhammad.  
 Jadhav, Mr. B. V.  
 Jog, Mr. S. G.  
 Lahiri Chaudhury, Mr. D. K.  
 Liladhar Chaudhury, Seth.  
 Mitra, Mr. S. C.  
 Mody, Mr. H. P.  
 Mudaliar, Diwan Bahadur A. Ramaswami.

Murtuza Sahab Bahadur, Maulvi Sayyid.  
 Neogy, Mr. K. C.  
 Pandian, Mr. B. Rajaram.  
 Patil, Rao Bahadur B. L.  
 Phookun, Mr. T. R.  
 Raghurib Singh, Rai Bahadur Kunwar.  
 Reddi, Mr. T. N. Ramakrishna.  
 Sant Singh, Sardar.  
 Sen, Mr. S. C.  
 Shafee Daoodi, Maulvi Muhammad.  
 Singh, Mr. Gaya Prasad.  
 Sitaramaraju, Mr. B.  
 Thampian, Mr. K. P.  
 Uppl Sahab Bahadur, Mr.  
 Ziauddin Ahmad, Dr.

The motion was adopted.

## THE INDIAN PETROLEUM BILL.

### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th August, 1934.

## LEGISLATIVE ASSEMBLY.

Wednesday, 15th August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

612. **\*Kumar Gupteshwar Prasad Singh :** (a) Will Government be pleased to state if it is a fact that some posts of assistants are being created in the office of the Railway Board ? If so, will Government please state how many posts are being created ?

(b) Is it a fact that it is intended to fill these posts by men to be imported from outside on the plea of *technical qualification* ? If so, will Government please state what are the technical qualifications possessed by those men ?

(c) Will Government please state whether it is a fact that the staff of the office has been totally condemned as a whole, and have not been given an opportunity to show their merits ? If so, why ?

**Mr. P. R. Rau :** (a) Five of the Assistants' posts, retrenched in 1932, are being revived as a temporary measure for the present.

(b) Actual recruitment to these posts is still under consideration, but it is probable that they will not all be filled from clerks in the Board's office, owing to the number of suitably qualified men being at present insufficient.

(c) No.

#### RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

613. **\*Kumar Gupteshwar Prasad Singh :** (a) Will Government please state what are the technical posts reserved in the Railway Board's office for such staff ?

(b) Will Government please state if the recruitment rules of the Board's office simply lay down the importing of men with technical qualification from Railways and not ordinary men ? If so, will Government please state the rule or rules under which it is now proposed to import men from outside on exorbitant salaries ?

**Mr. P. R. Rau :** (a) No appointments are specifically reserved, but many of the staff in the Railway Board's office are required to deal with work for which previous experience and training in accounts and finance or of the several operating departments of a railway are essential.

(b) The special regulations for recruitment in the Railway Board's office, approved by the Government of India, permit the Railway Board to recruit men of railway experience as may be required. It is not proposed to pay such recruits exorbitant salaries.

#### RECRUITMENT OF ASSISTANTS IN THE RAILWAY BOARD'S OFFICE.

614. \*Kumar Gupteshwar Prasad Singh : (a) Will Government please state if it is a fact that certain staff of the Railway Board represented to the Chief Commissioner of Railways for consideration of their claims for promotion in the forthcoming vacancies of assistants ?

(b) Is it a fact that the Secretary and the Assistant Secretary objected to such representations being addressed to the Chief Commissioner of Railways direct and under threat of dismissal at one month's notice returned or had the representations torn off and they could not reach the destination ? If so, will Government kindly state if it was in accordance with the Classification, Control and Appeal Rules ?

(c) Will Government please state what led to this action of the officers concerned ? Were these officers required to do so by the higher authorities ?

(d) Will Government please state if a similar complaint was raised on the floor of this House in the Budget session of 1933 ? If so, what action was taken by Government in the Railway Department to put a stop to this practice ?

Mr. P. R. Rau : (a) Four representations from members of the staff were addressed to the Secretary, Railway Board, and one to the Chief Commissioner, asking that the applicants might be considered for the vacancies. These were placed by the Secretary before a Member of the Board.

(b) The answer to the first part of the question is in the negative and the second part does not arise.

(c) Does not arise.

(d) I presume my Honourable friend is referring to starred question No. 1006, put by Mr. Ramakrishna Reddi, on the 28th March, 1933. I then informed the House that Government were not aware of any cases of representations being suppressed by any officer of the Board, and the practice was that the Secretary placed important cases before the Board. This practice was adopted in the present case.

Dr. Ziauddin Ahmad : Am I to understand that these applicants were penalized simply on the ground that they addressed a memorial to the Chief Commissioner of Railways ?

Mr. P. R. Rau : Nobody was penalized, so far as I am aware.

#### SUBMISSION OF REPRESENTATIONS BY THE RAILWAY BOARD STAFF.

615. \*Kumar Gupteshwar Prasad Singh : (a) Will Government please place a copy of the Classification, Control and Appeal Rules under which the staff of the Railway Board's office is supposed to submit their representations, appeals, etc. ?

(b) Is it a fact that the officers are in the habit of disposing of the appeals and representations at their sweet-will ?

(c) Is it a fact that the Secretary has once remarked on the combined representation of the staff that such representations should not be submitted combined and the ink, pen, paper, machine, and time of the office should not be utilised for submitting the representations? If so, will Government please state under what rule or rules the Secretary has issued such orders?

(d) Will Government please state if the above orders had the approval of the Chief Commissioner of Railways? If not, why not? Is the Chief Commissioner Secretary to the Government of India and therefore the controlling officer and appointing officer?

(e) Is it a fact that the present Secretary of the Railway Board had formerly stopped the increments of staff without the consent of the Financial Commissioner or the Chief Commissioner of Railways, and has committed other irregularities in the past?

**Mr. P. B. Rau :** (a) Rules under the Railway Services Classification Rules have not yet been issued. They are under preparation. Meanwhile, if any cases arise, the rules issued by the Home Department, in their Notification No. F.-9-19/30, of the 27th February, 1932, would be followed *mutatis mutandis* in the Railway Department Secretariat.

(b) I am not quite clear what is the precise allegation the Honourable Member is making. So far as I am aware, all representations are dealt with according to rules.

(c) In regard to a joint appeal signed by several members of the staff, the Secretary, I understand, suggested that in accordance with the principle recognised in the Appeal Rules, each appellant should submit his own appeal. The Secretary also expressed a hope that the staff would prepare the appeals in their own time and not use the office typewriters for the purpose. These directions were issued by the Secretary who is responsible for procedure and discipline in the Board's office.

(d) It was unnecessary to refer such a matter to the Chief Commissioner. The answer to the last part of the question is in the affirmative, but it does not follow that every minor order on questions of discipline in the office should be referred to him.

(e) Yes. I understand such an order was issued in the middle of November, 1933. Increments were withheld for a month pending an investigation. I am not aware of the irregularities alleged in the last part of the question.

#### REVERSION TO HIS SUBSTANTIVE POST OF THE SECRETARY OF THE RAILWAY BOARD.

616. **\*Kumar Gupteshwar Prasad Singh :** Will Government please state the name of the railway on which the present Secretary of the Railway Board holds his lien and whether it is proposed to revert him to his substantive post? If not, do Government propose to consider the advisability of transferring him to some other post?

**Mr. P. B. Rau :** The present Secretary holds a lien on a post on the Madras and Southern Mahratta Railway. Government see no reason to revert him or transfer him to another post.

## REDUCTION OF PAY OF RAILWAY BOARD STAFF.

617. \*Kumar Gupteshwar Prasad Singh : Will Government please state whether it is a fact that when the pay of the officers was increased on the occasion of the last organisation of the Railway Board's office, the pay of the staff was reduced ? If so, why ?

Mr. P. R. Rau : In the last reorganisation of the Railway Board's office, the pay of the officers remained the same with a single exception where the scale was increased in view of increased responsibilities. The pay of the ministerial staff then in the Board's office was not changed, but a revised scale was introduced for new entrants on a slightly lower basis than that of the ministerial staff in other departments for the following reasons :

- (i) It was desirable to assimilate the pay as far as possible with that obtaining on railways because it was intended to recruit ministerial staff in an increasing measure from railways.
- (ii) It was recognised that the staff in the Railway Board's office had advantages of passes and other travel facilities not enjoyed by the ministerial staff of other departments.

## STATUS OF THE RAILWAY BOARD STAFF.

618. \*Kumar Gupteshwar Prasad Singh : Is it fact that the status of the staff of the office of the Railway Board is lower than that of their colleagues of the other Departments of the Government of India ? If so, why ?

Mr. P. R. Rau : No.

## INSOLVENT AND INDEBTED CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

619. \*Kumar Gupteshwar Prasad Singh : (a) Will Government please state the number of clerks in the Government of India and their attached and subordinate offices :

- (i) who are insolvent,
- (ii) whose pay is being attached, and
- (iii) who are heavily in debt and whose pay will remain attached, during the next three years ?

(b) Will Government please state what action has been taken by the respective offices against such staff under the Government Servants' Conduct Rules ?

(c) Will Government please state how many men have been dismissed in each office during the last three years for the above offence ?

(d) Will Government kindly state what action they contemplate taking against such staff ? If no action is desired, will Government please state why the rule in the Government Servants' Conduct Rules was framed ?

The Honourable Sir Henry Craik : (a) to (c). Government regret that the required information is not readily available and cannot be obtained without an undue expenditure of time and labour.

(d) Government have no reason to suppose that action is not taken under Rule 16 of the Government Servants' Conduct Rules when the circumstances are considered to require it.

**IMPORTATION OF A RATES ASSISTANT FROM OUTSIDE IN THE RAILWAY BOARD'S OFFICE.**

620. \***Kumar Gupteshwar Prasad Singh** : (a) Will Government please state if it is a fact that it is desired in the office of the Railway Board to import a Rates Assistant from outside ? If so, why ?

(b) Is it a fact that very recently they took over the services of a clerk from another Department of the Government of India for this very purpose ?

(c) Have Government considered that a man can be trained by sending him on a railway and heavy expenditure can be avoided ? Do Government propose to consider the advisability of doing so ?

(d) Do Government propose to consider the advisability of getting a lower paid staff to help the present man from any railway and avoid the heavy expenditure ?

**Mr. P. R. Rau** : (a) Yes ; the post requires considerable practical experience of rates work and no person with that experience was available in the office.

(b) A clerk was recruited seven years ago for a similar purpose.

(c) Government do not consider that the suggestion will meet the needs of the present situation. A clerk with long experience is urgently required to replace an Assistant who is retiring.

(d) The Railway Administrations who were consulted were unable to recommend any suitable man who could be spared.

**Dr. Ziauddin Ahmad** : In view of the fact that the question of rate concessions has presumably been handed over to the Agents, is a special officer required in the Railway Board for the purpose ?

**Mr. P. R. Rau** : It is not a special officer but a clerk who deals with the question of rates.

**Dr. Ziauddin Ahmad** : Although the whole subject has presumably been transferred to the Agents and to the Rates Advisory Committee ?

**Mr. P. R. Rau** : The whole subject of rates has not been transferred to the Agents and to the Rates Advisory Committee ; there are a large number of questions dealt with up here.

**TRANSFER OF SEVERAL BENGALI STATE PRISONERS TO THE NASIK JAIL.**

621. \***Mr. S. C. Mitra** : Is it a fact that several Bengali State prisoners have recently been transferred to the Nasik Jail ? If so, will Government please state their names and the reasons for their transfer ?

**The Honourable Sir Henry Craik** : The answer to the first part of the question is in the negative. The second part does not arise.

**Mr. S. C. Mitra** : May I take it that instead of it being Nasik, it may be somewhere near Nasik, some central jail near about there ?



**The Honourable Sir Henry Craik :** What was the Honourable Member's question ?

**Mr. S. C. Mitra :** Have these State Prisoners been transferred to any jail near about Nasik where all the State Prisoners are being brought together ?

**The Honourable Sir Henry Craik :** I think four State Prisoners have been transferred to a jail in Bombay.

**Mr. S. C. Mitra :** Near Nasik ?

**The Honourable Sir Henry Craik :** To the Arthur Road Jail, Bombay.

PERMISSION TO MR. SAILENDRA NATH GHOSH TO RETURN TO INDIA.

622. **\*Mr. S. C. Mitra :** (a) Will Government please state the objections for not permitting Mr. Sailendra Nath Ghosh to come back to India from America ?

(b) Are Government aware that the present condition of his health is very precarious and that he is anxious to come back to his native land ?

(c) Are Government aware that Mr. Ghosh is agreeable to give an undertaking that he will not take part in any undesirable political agitation in India ? If not, are Government prepared to enquire into these facts ?

(d) Are Government aware that Mr. Ghosh has recently written to his friends in India, requesting them to secure permission from Government for his return on any reasonable condition ?

**The Honourable Sir Henry Craik :** (a) to (c). I would invite the Honourable Member's attention to the replies given by my predecessor on the 20th March, 1933, and 12th September, 1933, respectively, to Mr. Gaya Prasad Singh's question No. 788, and Mr. Bhuput Singh's question No. 874, and to the supplementary questions and answers in connection therewith, to which I have nothing to add.

(b) I am aware of Mr. Ghose's desire to return to India. I have no information as to his present state of health, but last February he stated that he had tuberculosis.

(d) I have no information, beyond the fact that Mr. Ghose addressed a letter to the Honourable Member himself last year which appeared in the Press.

**Mr. Gaya Prasad Singh :** What is the objection to granting permission to this gentleman to come back to India ?

**The Honourable Sir Henry Craik :** The objection is that he is accused of a serious offence in India, and if he comes back, he will be tried. He has asked to be granted an amnesty, and that the Government of India are not prepared to agree to.

**Mr. Gaya Prasad Singh :** If this gentleman comes to India and if he is prepared to stand his trial for any charge that may be brought against him, what objection can there be to his being allowed to return ?

**The Honourable Sir Henry Craik :** I have no reason to think that he is prepared to stand his trial.

**Mr. Gaya Prasad Singh :** Has he applied for permission to come to India ? If so, is it not open to the Government of India to tell him that if he comes here he will have to stand his trial ?

**The Honourable Sir Henry Craik :** No, Sir, he has not applied to return to India unconditionally. I understand that he has only applied to be allowed to return to India provided he is granted an amnesty.

**Diwan Bahadur A. Ramaswami Mudaliar :** Supposing he applies for an unconditional return, are the Government prepared to consider his case favourably ?

**The Honourable Sir Henry Craik :** That, Sir, is a hypothetical question.

**Mr. S. C. Mitra :** May I take it that the Government have no objection to his coming back to India ?

**The Honourable Sir Henry Craik :** Certainly not. Government have every objection to his return to India.

**Mr. S. C. Mitra :** What are the reasons for raising objection to his return to India, especially when he is agreeable to stand trial if Government desire to put him on trial ?

**The Honourable Sir Henry Craik :** I have already explained that he is not agreeable to stand a trial, so far as I am aware. He has only asked to be allowed to return to India provided he is granted an amnesty.

**Diwan Bahadur A. Ramaswami Mudaliar :** It is not a question of the willingness of an accused person to stand for a trial. The moment he returns to India, can he not be proceeded against by Government if they so wish to do ?

**The Honourable Sir Henry Craik :** He would not return on those conditions.

**Diwan Bahadur A. Ramaswami Mudaliar :** He has asked for permission to return, and why should it not be given ?

**The Honourable Sir Henry Craik :** Let him try for it for himself.

**Mr. Gaya Prasad Singh :** Do I understand from the Honourable Member that Mr. Ghosh has applied to the Government of India for permission to come to India on the condition of his obtaining an amnesty ?

**The Honourable Sir Henry Craik :** Yes, Sir, that is broadly the position.

**Mr. Gaya Prasad Singh :** In that case, why should not the Government of India write to him to say that no amnesty can be granted to him ? And if, on these terms, he is prepared to come, let him come. He can then be hauled up for trial.

**The Honourable Sir Henry Craik :** Actually, Sir, I think he understands that perfectly well. But the permission to allow him to return to India rests with the Secretary of State. He could only get his passport with the agreement of the Secretary of State.

**Mr. Vidya Sagar Pandya :** May I ask, Sir, what would be the position if Mr. Ghosh comes to a French port, say Pondicherry, and then enters British India as Mr. Horniman once actually did ?

**The Honourable Sir Henry Craik :** If he arrives in India without a passport, he would probably be prosecuted for entering India without a passport.

**Mr. Vidya Sagar Pandya :** In that case, he does not require the permission of the Government of India. As he is prepared to stand a trial, he can enter British India through one of the French ports ?

**The Honourable Sir Henry Craik :** The Honourable Member has misunderstood me. So far as I know, he is not prepared to stand his trial.

**Mr. D. K. Lahiri Chaudhury :** What objection can there be to his return, if he is prepared to stand his trial ?

**The Honourable Sir Henry Craik :** I have already explained that, so far as I am aware, he is not prepared to return to India unless he is granted an amnesty.

#### POLITICAL PRISONERS SENT TO THE ANDAMANS.

623. **\*Mr. S. C. Mitra :** Is it a fact that a batch of political prisoners was sent to the Andamans on the 30th June, 1934 ? If so, how many prisoners were sent in the batch and what is the total number of political prisoners now in the Cellular Jail ?

**The Honourable Sir Henry Craik :** I presume the Honourable Member refers to terrorist prisoners. A batch of 14 such prisoners was sent to the Andamans on the 1st July, 1934. The total number of terrorist prisoners now in the Cellular Jail, Port Blair, is 190.

**Mr. S. C. Mitra :** Is it correct to say that it is only the convicted persons who are sent to the Andamans and not the detenus or State Prisoners ?

**The Honourable Sir Henry Craik :** Yes, Sir, that is correct.

#### ILLNESS OF MR. SUSHIL DAS GUPTA, A POLITICAL PRISONER IN THE ANDAMANS.

624. **\*Mr. S. C. Mitra :** (a) Is it a fact that Sj. Sushil Das Gupta, a political prisoner in the Cellular Jail, Andamans, has been suffering from malaria for the last few months ? If so, for how many months has he been suffering and what is the condition of his present health and when had he his last attack of fever ?

(b) What was his weight on the 7th April, the 7th May, the 7th June, and the 7th July, 1934 ?

(c) Do Government contemplate sending Sj. Das Gupta to a jail in Bengal for proper medical treatment ? If not, are Government prepared to permit his brother, Mr. B. K. Das Gupta, who was once refused an interview, to see him in the Cellular Jail ?

**The Honourable Sir Henry Craik :** (a) This prisoner suffered from clinical malaria from the 6th to 9th May, 1933 and 24th to 29th March, 1934. His present condition is fit.

(b) His weight was 92 lbs. in April and May and 89 lbs. in June and July, 1934.

(c) As regards the first part of the question I am not aware of any such proposal. In regard to the second part, I would refer the Honourable

Member to the reply given by my predecessor on the 16th July last to the Honourable Member's question No. 44.

**TRANSFER OF MR. NIKHIL GUHA ROY, A POLITICAL PRISONER, FROM THE CELLULAR JAIL, ANDAMANS.**

625. \*Mr. S. C. Mitra : (a) Is it a fact that Sj. Nikhil Guha Roy a political prisoner has been transferred from the Cellular Jail, Andamans? If so, when and where?

(b) Will Government also please state the reason for his transfer?

(c) Is it a fact that Sj. Guha Roy has been suffering from tuberculosis? If so, for how many months, and what is the present condition of his health?

(d) Is it a fact that Sj. Guha Roy's health was perfectly sound before his transfer to the Andamans?

**The Honourable Sir Henry Craik :** (a) and (b). The prisoner was returned to Calcutta on the advice of the Medical Board on the 5th April, 1934, as he was suffering from asthma complicated with chronic bronchitis.

(c) He was not suffering from tuberculosis while in the Andamans. Government have no information as to the present conditions of his health.

(d) He was declared fit for transfer to the Andamans before his deportation.

**ATTACK OF TUBERCULOSIS OF POLITICAL PRISONERS IN THE ANDAMANS.**

626. \*Mr. S. C. Mitra : (a) Will Government please state how many of the political prisoners sent to the Andamans since 1932 have been attacked with tuberculosis?

(b) Have Government made proper enquiries about the reasons of the attack of tuberculosis of so many prisoners in the Cellular Jail in a short period of two years only? If so, with what result?

**The Honourable Sir Henry Craik :** (a) Since 1932, three terrorist prisoners showed signs of tuberculosis. They were returned to Bengal in accordance with the standing instructions which require that prisoners suffering from tuberculosis should be removed from the Andamans as early as possible. I might add that in the case of two of these three prisoners signs of tuberculosis appeared after a hunger-strike.

(b) Government do not consider that the disease is in any way due to the confinement of these prisoners in the Cellular Jail. The incidence of tuberculosis is not higher in the Cellular Jail, Port Blair, than in jails in many other Provinces in India.

**PUNISHMENT INFLICTED ON DR. NARAIN ROY, A POLITICAL PRISONER IN THE ANDAMANS.**

627. \*Mr. S. C. Mitra : (a) Is it a fact that Mr. Thakur Das Roy had an interview with his brother Dr. Narain Roy, a political prisoner in the Cellular Jail, on the 11th July last?

(b) Is it also a fact that Dr. Narain Roy was under punishment during the second week of July ? If so, why and for how many days ? What is the nature of punishment inflicted on Dr. Roy ?

(c) Has this any connection with the incident of the 7th July as referred to in the Home Member's statement of the 26th July in this House ?

**The Honourable Sir Henry Craik :** (a), (b) and (c). Yes. The interview with his brother was allowed, though Narain Roy, who was one of the ring-leaders of the incident of the 9th July last, had been awarded punishment which involved the loss of certain privileges which are subject to good behaviour, such as interviews, writing letters, etc. The punishments were withdrawn a few days later on the prisoners offering apologies for their participation in the incident. The interview was allowed as his brother had started from Calcutta before the incident occurred and before the punishment was inflicted.

#### PUNISHMENTS GIVEN TO CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

628. **\*Mr. S. C. Mitra :** (a) Is it a fact that several political prisoners in the Andamans have been flogged recently ? If so, who were the victims and what is the reason for such punishment ?

(b) Is it a fact that Sjs. Ananta Singh of Chittagong armoury raid and Jogen Sukul of Matihari Conspiracy Case are also under punishment ? If so, why ?

(c) How many of the political prisoners in the Andamans have been recently given solitary cell punishment ?

(d) Is it also a fact that under the above circumstances, a hunger-strike by the political prisoners in the Andamans is still apprehended ?

**The Honourable Sir Henry Craik :** (a) The Honourable Member presumably refers to terrorist prisoners in the Andamans. There is no truth whatever in the allegation contained in this question ; no terrorist prisoner has been whipped up to date.

(b) Prisoners Ananta Singh and Jogan Sukul were punished, by being deprived of some of their privileges, as they took part in the incident of the 9th July last. Their punishments were suspended, when they apologised for their participation in the incident and the punishments are no longer in force.

(c) There is also no truth in this allegation.

(d) There are no grounds for apprehending a hunger-strike by terrorist prisoners. On the contrary, everything in the Cellular Jail is absolutely normal at present.

#### LOWER CLASS ACCOMMODATION ALLOTTED TO THE GOVERNMENT OF INDIA STAFF IN NEW DELHI.

629. **\*Mr. S. C. Mitra :** (a) Is it a fact that large number of ' E ' type quarters on Minto and Circular Roads, New Delhi, have been allotted to the staff of the various offices of the Government of India, who under the rules are entitled to a higher class of quarters ?

(b) Is it the intention of Government to deprive the staff of the Delhi allowances by allotting a lower class accommodation against the allotment rules ?

(c) Will Government please state whether the acceptance or the surrender of this lower class accommodation by the staff who are entitled to higher class accommodation will forfeit their claims for the Delhi allowances, if sanctioned ? If so, why ?

**The Honourable Sir Frank Noyce :** (a) Sixty-five E class quarters are surplus to the requirements of officers in that class for the winter season of 1934-35. Thirty-nine of these quarters have been offered, under the Allotment Rules, to migratory officers entitled to C and D class accommodation.

(b) and (c). Orders were issued in 1929 to the effect that refusal by officers or members of the staff of the Government of India Secretariat and Attached Offices of quarters of the class to which they are entitled, or of a class next above or next below their own, will render them ineligible for the grant of any Delhi allowances that may be sanctioned. I may point out that "out of class allotments" are permitted under the rules.

#### PERIODICAL TEST OF GUARDS ON THE NORTH WESTERN RAILWAY.

630. **\*Mr. Gaya Prasad Singh** (on behalf of Mr. Lalchand Navalrai) : (a) Will Government be pleased to state whether it is a fact that the guards employed on the North Western Railway are put to an examination in the railway rules after every three years up to the age of 45, and then annually ?

(b) Is any other class of staff on the North Western Railway put to a similar test periodically ? If so, will Government please state the names of these classes of staff ? If not, why have guards alone been picked up for such a periodical test ?

(c) Is it a fact that if a guard fails to satisfy the examining officer in the periodical test, he is re-called and the period between the date of his first failure and eventual passing of the test is treated as leave ?

(d) If the reply to part (c) above be in the affirmative, are other classes of staff, going for refresher courses, treated similarly and their period treated as leave ? If not, why is differential treatment accorded to guards ?

**Mr. P. B. Rau :** I have called for certain information and will lay a reply on the table of the House in due course.

#### PROPOSED VISIT OF AN ITALIAN TRADE DELEGATION TO INDIA.

546. **\*Mr. Gaya Prasad Singh :** Is there any proposal of an Italian trade delegation visiting India in the near future ? If so, when is it expected, and with what object ?

**The Honourable Sir Frank Noyce :** Yes, Sir. The Government of India understand that the Italian Government are desirous of entering into discussions with the Government of India on the subject of the trade relations of India and Italy. The negotiations may begin about October next if that is convenient to both Governments.

**EXPENSES BORNE BY THE INDIAN EXCHEQUER IN CONNECTION WITH THE VISIT OF THE JAPANESE TRADE DELEGATION.**

547. \***Mr. Gaya Prasad Singh** : Was any expense borne by the Indian exchequer in connection with the visit in India of the Japanese trade delegation ? If so, how much ?

**The Honourable Sir Frank Noyce** : Yes, Sir. Expenditure of about Rs. 18,250 was incurred on account of the Japanese Official Delegation and about Rs. 15,900 on account of travelling allowances and other charges for the un-Official Advisers to the Indian Delegation.

**PROPOSALS TO SUPPLEMENT THE OTTAWA AGREEMENT RELATING TO INDIAN PROTECTIVE DUTIES.**

548. \***Mr. Gaya Prasad Singh** : Will Government kindly state if there are proposals to supplement the Ottawa agreement, relating to Indian protection duties ? If so, do Government propose to make a statement on the subject, and state whether this House will be given an opportunity of discussing the same before a final decision is reached ?

**The Honourable Sir Frank Noyce** : Yes, Sir. The negotiations are now in progress and it is too early to make a statement on the subject. Honourable Members will have an opportunity to discuss any agreement arrived at, as a result of these negotiations.

**Mr. H. P. Mody** : Will a non-official Indian Delegation be associated as in the case of the Indo-Japanese negotiations ?

**The Honourable Sir Frank Noyce** : The Honourable Member will understand that I have answered this question on behalf of my Honourable colleague, the Commerce Member, and I would, therefore, suggest that he might put down a question on the point that he has now raised.

**Mr. B. Das** : Will the Honourable Member bear in mind Mr. Mody's suggestion as he played such an important part in the negotiations with the Japanese Delegation ?

**STEPS TAKEN TO ENCOURAGE THE EXPORT OF INDIAN RAW MATERIALS TO FOREIGN COUNTRIES.**

564. \***Mr. Sitakanta Mahapatra** : (a) How far have the Indian Trade Commissioners in foreign countries found out markets for Indian manufactured articles, and what new markets have they explored for India ?

(b) What is the total export of the Indian manufactured articles to different foreign countries where there are Indian Trade Commissioners ?

(c) Have the Trade Commissioners in foreign countries submitted any schemes, explaining the requirements of the foreign countries from India, which would help to develop the Indian industries ? If not, what are the activities of the Trade Commissioners barring their activities of encouraging the export of raw material to foreign countries ?

**The Honourable Sir Frank Noyce** : The Honourable Member is referred to the quarterly and annual reports on the work of the Indian Trade Commissioners, London and Hamburg, and the Sea-borne Trade Accounts of British India. The quarterly reports are published

in the *Indian Trade Journal*, copies of which are in the Library of the House. Copies of the annual reports and of the Sea-borne Trade Accounts are also to be found in the Library. I would also invite the attention of the Honourable Member to the reply to the Honourable Kumar Nripendra Narayan Sinha's question in the Council of State on the 20th September, 1932.

**ESTABLISHMENT OF INDIAN CONCERNS IN FOREIGN COUNTRIES FOR THE BUSINESS OF INDIAN PRODUCTS.**

565. **\*Mr. Sitakanta Mahapatra :** Have Government done anything to encourage and establish Indian concerns in foreign countries for the business of Indian products in those foreign countries, if necessary, with State aid financially, as the other nations have done to develop their trade in India ? If so, how many concerns have thus been started with the help of Government aid in countries like Germany, Italy, France and England ?

**The Honourable Sir Frank Noyce :** The Government of India have no information as to the means adopted by other countries to develop their trade in India by State aid, but the Honourable Member is referred to the Resolution adopted by the Council of State on the 13th February, 1928, as a result of which the Government of India inaugurated a scheme for the appointment of Indian Trade Commissioners abroad with a view to promote India's export trade with foreign countries. For information as to the activities of Indian Trade Commissioners, the Honourable Member is referred to the annual reports on the work of these officers, copies of which are to be found in the Library of the House.

**APPOINTMENT OF INDIANS IN THE OFFICES OF THE TRADE COMMISSIONERS.**

566. **\*Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state whether the staff employed in the offices of the Trade Commissioners in foreign countries are Indians sent from India ? If not, why not ?

(b) Are Government aware that a large number of Indians would be prepared to go to foreign countries in the offices of the Trade Commissioners and Agents outside India ?

**The Honourable Sir Frank Noyce :** (a) There is one Indian in the office of the Indian Trade Commissioner, London, who was sent direct from India. The other Indians employed in that office were recruited in London. Persons possessing the requisite qualifications are generally available there and it is not considered justifiable to incur unnecessary expenditure on passages from India.

(b) The Honourable Member's suggestion may be correct.

**RATIFICATION OF THE RUBBER RESTRICTION SCHEME.**

608. **\*Mr. K. P. Thampan :** (a) Will Government be pleased to state whether it is proposed to take any legislative measure to ratify the rubber restriction scheme ?



(b) What was the genesis of the scheme and who represented the Government of India and the rubber growers of India at the settlement ?

(c) What is the quota for this country and on what basis was it decided ?

(d) In calculating the export from India in 1929, was the rubber shipped from the Indian States ports taken into account ?

(e) Was any allowance made in fixing the quota for the area reaching maturity between 1929 and 1934 ?

(f) Was such allowance made in respect of other countries, such as Indo-China, Siam, North Borneo, Sarawak, etc. ?

(g) Is it a fact that it is in respect of India alone that the quota is the export quantity of 1929, while for Indo-China and Siam, it is three times, Sarawak two times, North Borneo one and three quarters times, the 1929 export. If so, why ?

(h) What steps do Government propose to take to remedy this anomaly ?

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) The attention of the Honourable Member is invited to the preamble to the Rubber Producers' Agreement and the Inter-Governmental Agreement relating to the regulation of the production and export of rubber, copies of which are in the Library. The interests of rubber producers in India were looked after by the Rubber Growers' Association, London, during the negotiations and the High Commissioner for India signed the Inter-Governmental Agreement on behalf of the Government of India.

(c) The basic quotas allotted to India and Burma are specified in Article 4 of the Inter-Governmental Agreement. These quotas represent the average exports during the four years, 1929 to 1932, with the addition of an *ex gratia* allowance and an allowance for young areas.

(d) Exports from ports in Indian States were not taken into account in determining the basic quota for India, but an *ex gratia* addition, considerably in excess of such exports, was made to the total Indian quota.

(e) An allowance was made for areas planted since the beginning of 1925.

(f) Yes.

(g) The Honourable Member's assumption that the basic quotas of the contracting countries have been fixed in relation to their exports in 1929 is incorrect. The Government of India understand that the basis on which the quotas were calculated in each case was the average exports in the years 1929 to 1932 inclusive, with allowances on a uniform scale for areas which were not fully mature in those years but which would be in partial or full bearing during the period of regulation.

(h) Does not arise.

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**Mr. F. E. James :** May I have your permission to have this question (No. 609) postponed till the arrival of the Honourable the Commerce Member, because I may have to put some supplementary questions, and I do not know whether the Honourable Member for Industries and

Labour, who is going to answer this question on behalf of the Commerce Member, will be able to give answers to those supplementary questions ?

**The Honourable Sir Frank Noyce :** I think my answer to the question, if I may be allowed to read it, will give as much information to the Honourable Member as we are in a position to give.

**ABOLITION OF SURTAX ON TEA EXPORTED FROM INDIA TO NEW ZEALAND.**

(09. \***Mr. F. E. James :** (a) Are Government aware that a Bill has recently been passed by the Legislature of New Zealand, revising the tariffs of that country ?

(b) Have Government any information whether the surtax on tea exported from India to New Zealand has been abolished as a result of this legislation ?

(c) Had Government made any representation to the Government of New Zealand, when they had their Tariff Bill under consideration, with a view to the abolition of the surtax on Indian tea ? If not, why do Government not take the opportunity, which was afforded them when the New Zealand tariff was under consideration, of pressing for the removal of a handicap to Indian trade ?

**The Honourable Sir Frank Noyce :** (a) Yes, Sir.

(b) No, Sir.

(c) The Government of India have been in communication with the Government of New Zealand, regarding a trade agreement and that Government intimated in December last that their tariff was to be revised as a result of the investigations of a Commission after which they would be in a position to communicate further with the Government of India. This communication is awaited.

**Mr. E. Studd :** Are Government aware that whereas the exports of Indian tea to New Zealand from the 1st April to the 7th August, 1933, amounted to just under 800,000 lbs., for the same period this year they have fallen to just under 15,000 lbs. ?

**The Honourable Sir Frank Noyce :** I am prepared to take that information from my Honourable friend.

**Mr. F. E. James :** Do I understand that the position of the Government is that they do not propose to make any representation in regard to this particular matter until the whole field of the new trade agreement with this country and New Zealand has been explored ? If so, how do they reconcile themselves to the injury which is being done to Indian tea *vis-a-vis* Ceylon tea on which there is no surtax in New Zealand ?

**The Honourable Sir Frank Noyce :** I can only say that I am not in a position to add any further information to that which I have already given.

**Mr. F. E. James :** Is the Honourable Member aware that he has practically given us no information whatsoever ?

**The Honourable Sir Frank Noyce :** I shall be glad to pass on that view to my Honourable colleague, the Commerce Member.

**Mr. B. Das :** Are the Government of India negotiating a trade agreement with New Zealand alone or with the other Dominions such as South Africa ?

**The Honourable Sir Frank Noyce :** Each Dominion is being dealt with separately.

**Mr. B. Das :** I do not want any trade agreement with South Africa.

**The Honourable Sir Frank Noyce :** I am not aware that South Africa has asked for a trade agreement. My Honourable friend, Mr. Bajpai, is perhaps in a better position to answer that than I am.

**Mr. B. Das :** Will the Honourable the Secretary for the Department of Education, Health and Lands say whether the Government of India are negotiating any trade agreement with South Africa ?

**Mr. G. S. Bajpai :** The Government of India in the Department of Education, Health and Lands have not entered nor do they contemplate to enter into any trade agreement with South Africa.

**Diwan Bahadur A. Ramaswami Mudaliar :** Or with any other Department ?

**Mr. G. S. Bajpai :** No, Sir.

**Diwan Bahadur A. Ramaswami Mudaliar :** Are Government aware that a special representative of the South African Government has come to Calcutta with a view to considering the possibilities of a trade agreement between South Africa and India ?

**Mr. G. S. Bajpai :** The consideration of possibility is, I presume, a condition precedent to the actual entering into negotiations.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is there any possibility on the part of Government of saying whether they are willing ?

**Mr. G. S. Bajpai :** The Government of India cannot say anything as regards their willingness or unwillingness until they have the proposition from the Government of South Africa.

**Dr. Ziauddin Ahmad :** Have the Government of India received any letter from the gentleman who is now in Calcutta representing the South African Government seeking an interview with the Government of India ?

**Mr. G. S. Bajpai :** No, Sir.

## UNSTARRED QUESTIONS AND ANSWERS.

### ASSISTANTS-IN-CHARGE OF BRANCHES IN THE GOVERNMENT OF INDIA SECRETARIAT.

56. **Mr. S. G. Jog :** (a) Is it a fact that in some Departments of the Secretariat of the Government of India first division assistants are employed as Assistants-in-Charge of Branches or Sections ?

(b) If the answer to part (a) above is in the affirmative, will Government be pleased to state whether first Division Assistants when so employed are granted any special pay in addition to their grade pay ? If so, will Government be pleased to state the principle which governs the grant of such special pay ?

(c) Will Government be pleased to state the names of the Departments of the Secretariat of the Government of India in which first division assistants are employed as Assistants-in-Charge of Branches or Sections in the following tabular form :

Name of Deptt.	Branches in-charge of 1st Dn. Assistants.	Whether the Assistant-in-charge is in receipt of special pay or not.	If in receipt of special pay, the rate p. m.

The Honourable Sir Henry Craik : I lay on the table a statement giving the information required in parts (a) and (c) and the first portion of part (b) of the question. With reference to the second portion of part (b), I would invite the Honourable Member's attention to Fundamental Rule 9 (25).

*Statement showing the names of the Departments of the Government of India in which First Division Assistants are employed as Assistants-in-charge of Branches or Sections and drawing special pay.*

Name of Department.	Branches in charge of First Division Assistants.	Whether the Assistant-in-charge is in receipt of special pay or not.	If in receipt of special pay, the rate per mensem.
Army .. .. .	Two ..	Yes ..	One is in receipt of Rs. 100 and the other Rs. 50.
Commerce .. .. .	One ..	Yes ..	Rs. 50.
Financial Adviser, Military Finance ..	Four ..	Yes ..	Rs. 100 each.
Home .. .. .	One ..	Yes ..	Rs. 75.
Imperial Council of Agricultural Research.	Three ..	No ..	..
Industries and Labour ..	One ..	Yes ..	Rs. 50.
Legislative Assembly .. ..	Two ..	No ..	..
Railway .. .. .	Four ..	Three are in receipt of special pay.	Rs. 100 each.

**CONCESSION PROPOSED TO BE GIVEN TO THE IMPERIAL CHEMICAL INDUSTRIES, LIMITED.**

**57. Mr. B. Sitaramaraju :** (a) Is it a fact that the Government of India in conjunction with the Punjab Government are proposing to give a concession to the Imperial Chemical Industries, Limited, for a period of 50 years in the Jhelum District of the Punjab for the purpose of setting up alkali works ?

(b) If the reply to part (a) be in the affirmative, will there be any opportunity for any part of the capital to be subscribed for by Indians, and will there be any Indians on the Board of Directors ?

(c) What steps have Government taken to ascertain whether there are Indian capitalists in the Punjab, or other parts of India who are prepared to undertake the enterprise on the same, or any other suitable, terms ?

(d) If a concession for a long period is considered necessary, will Government be pleased to state whether they have considered that a period of 25 years is not sufficient from the point of view of public interests ?

(e) Will Government be pleased to supply this House with full information regarding the concession ?

**The Honourable Sir James Grigg :** The Honourable Member is referred to the reply given on the 14th August, 1934, to Mr. B. Das's starred question No. 611 on the same subject.

**FINANCIAL POWER OF A FIRST CLASS POSTMASTER TO OBTAIN COPIES OF COURT JUDGMENTS.**

**58. Seth Liladhar Chaudhury :** (a) Will Government please state whether the financial power of a first class Postmaster to obtain copies of Court judgments is limited to Rs. 10 in each case ?

(b) Will Government please state the cost of the copy of the judgment of the learned Sessions Judge, Amritsar, in the case *Crown versus Ram Nath*, Clerk, Majeeth Mandi (Amritsar), under section 262, Indian Penal Code ?

(c) Was the copy of the judgment referred to in part (b) above, as well as of the evidence of certain witnesses, obtained by the Postmaster, Amritsar, piece-meal ? If so, why ? Was it to avoid the sanction of the Postmaster General ?

(d) In case the reply to the first portion of part (c) be in the affirmative, what is the action taken against the Postmaster for this irregular action ?

**The Honourable Sir Frank Noyce :** (a) No. The limit of financial power of a First Class Postmaster to obtain copies of Court judgments is Rs. 20 in each case.

(b), (c) and (d). Government have no information and do not propose to call for it as the Postmaster General, Punjab, is fully competent to deal with the matter. A copy of the question and of this reply will be sent to the Postmaster General, Punjab.

**ELECTRIC AND BUILDING OVERSEER IN THE LAHORE GENERAL POST OFFICE.**

**59. Seth Liladhar Chaudhury :** Will Government kindly state :

- (a) the duties actually performed by the official designated as Electric and Building Overseer in the Lahore General Post Office ;
- (b) whether the electric installation in the Lahore General Post Office building is attended to by the Engineering Branch of the Posts and Telegraphs Department at Lahore ;
- (c) whether there is a qualified Conservancy Inspector in the Lahore General Telegraph Office and Building Overseers in the Punjab Circle Office and Divisional Engineering Office to look after the General Post Office building which is just across the road opposite the Lahore General Telegraph Office ;
- (d) whether the Conservancy Inspector of the Lahore General Telegraph Office has a number of times offered to look after the conservancy arrangements of the Lahore General Post Office which is said to be attended to by the so-called Electric and Building Overseer in the Lahore General Post Office ;
- (e) whether it was once decided to abolish the appointment of the so-called Electric and Building Overseer in the Lahore General Post Office but somehow or other these orders were subsequently cancelled ; and
- (f) whether in these days of financial stringency the appointment of the so-called Electric and Building Overseer cannot be abolished by transferring his electric duties to the Engineering Branch of the Department at Lahore, building supervision to the Building Overseers in the Circle Office or Engineering Branch, and conservancy duties to the Conservancy Inspector in the Lahore General Telegraph Office ?

**The Honourable Sir Frank Noyce :** (a) to (f). Information has been called for and a reply will be placed on the table of the House in due course.

**APPOINTMENT OF HINDUS AS LINE INSPECTORS IN THE PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.**

**60. Seth Liladhar Chaudhury :** (a) Is it a fact that out of the nine posts of Line Inspectors sanctioned for the (Telegraph Engineering), Punjab and North-West Frontier Circle, not a single post is held by non-Muslims ? If so, what action do Government propose to take to adjust the communal inequality in this cadre ?

(b) Is it a fact that the post of a Line Inspector fell vacant in the Ambala Telegraph Engineering Sub-Division during the current official year and that it has also been filled up by a Muhammadan Sub-Inspector ? If so, will Government please state whether there were no suitable Hindu officials with longer service who could be promoted to the said post ?

**The Honourable Sir Frank Noyce :** (a) Government have no information. Recruitment to the grade of Line Inspectors is made by promotion of selected Sub-Inspectors and, as has been frequently stated

in this House, communal considerations do not apply to departmental promotion which is solely regulated by merit and seniority. Government do not, therefore, propose to take any action.

(b) Government have no information. The matter is entirely within the competence of the Postmaster General to whom a copy of the question is being sent.

#### APPOINTMENT OF TOWN INSPECTORS IN THE DELHI HEAD POST OFFICE.

61. **Seth Liladhar Chaudhury** : With reference to the reply to starred question No. 803, dated the 21st April, 1934, will Government please state whether the Director-General, Posts and Telegraphs, has received any appeals against the nomination of the Town Inspector, Delhi Head Post Office, from the senior dissatisfied graduates ? If so, what action has he taken on those appeals ?

**The Honourable Sir Frank Noyce** : It is presumed that by nomination the Honourable Member refers to the selection made by the Postmaster, Delhi ; if so, the reply to the first part of the question is in the affirmative. As regards the second part the appeals have been rejected after due consideration.

#### ALLEGATIONS AGAINST THE TOWN INSPECTOR, DELHI HEAD POST OFFICE.

62. **Seth Liladhar Chaudhury** : (a) Is it a fact that as a punishment for gross carelessness displayed, *vide* unstarred question No. 311, dated the 7th April, 1934, the Town Inspector, Delhi General Post Office, was ordered to be reverted by the Postmaster-General, Punjab, Lahore, but the Postmaster, Delhi, retained him ? If so, will Government please state what justification the Postmaster had for keeping in abeyance the orders of his superior ?

(b) Is it a fact that the Inspector again displayed carelessness by absenting himself from Air Mail duties on the 11th May, 1934, posting wrong test-cards and preparing false diaries ? Were these matters brought to the notice of the Postmaster-General ? If so, what action did he take against the official ? If none, why not ?

**The Honourable Sir Frank Noyce** : Information has been called for, and a reply will be placed on the table of the House in due course.

#### RECRUITMENT OF INFERIOR POSTAL STAFF IN DELHI.

63. **Seth Liladhar Chaudhury** : (a) Is it a fact that most of the new recruitments in the inferior staff made through the present Town Inspector of Delhi Head Post Office were effected from the junior men belonging to one and the same community and are Government aware that there is a general discontentment prevailing among the members of the inferior staff of the other communities on this account ?

(b) How many of the new recruits taken from July, 1933, upto July, 1934 were Hindus and Sikhs and how many were Muslims ?

(c) What action do Government contemplate taking against the official who spread so much discontentment ?

(d) Do Government propose to consider the desirability of introducing a half-yearly or annual change of Town Inspectors, as is being done

in the case of clerks employed in the Savings Bank, Sub-Accounts and Money Order departments ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Recruitment of the inferior staff in the Delhi General Post Office is made by the Postmaster and not by or through the Town Inspector. Government are not aware of the existence of any discontent in regard to recent recruitment of inferior staff.

(b) Information has been called for, and a reply will be placed on the table of the House in due course.

(c) Does not arise in view of the reply to part (a).

(d) No. There is no analogy between the duties and responsibilities of clerks employed in the Savings Bank, Sub-Accounts and Money Order Branches of a Post Office and those of a Town Inspector.

#### INITIAL PAY OF GRADUATES IN THE POSTAL DEPARTMENT.

**64. Seth Liladhar Chaudhury :** (a) Is it a fact that for some time past graduates were taken on enhanced initial pay in the clerical cadre of the Postal Department and were also allowed four years' benefit in seniority ?

(b) Is it a fact that a few years ago the Postmaster-General, Punjab, Lahore, issued a circular ordering that, so far as possible, graduates should be posted in the correspondence and accounts branches and also as sub-postmasters ?

(c) Is it a fact that the concessions referred to in part (a) above have been withdrawn for the new entrants and the orders referred to in part (b) are observed in breach ?

(d) If the replies to the preceding parts be in the affirmative, will Government please explain :

(i) why the concessions referred to above were allowed and why they have now been withdrawn ; and

(ii) what other facilities are allowed to them to show their worth and thus carve their way out to higher position ; if none, why ?

(e) Do Government propose to make amends by making some proper arrangements to ensure for them a regular flow of chances of service in more responsible spheres and also restore to the new entrants the concessions mentioned in parts (a) and (b) ? If not, why not ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be placed on the table of the House in due course.

#### EXCESSIVE HOURS OF WORK IN THE DELHI HEAD POST OFFICE.

**65. Seth Liladhar Chaudhury :** (a) Is it a fact that the staff of the Delhi Head Post Office and its town sub-offices work for eight hours or even more in continuous and split duties while the staff of the General Post Offices at Simla, Lahore, Peshawar, etc., as well as of the Presidency Post Offices in Calcutta, Bombay and Madras, work for seven hours only ?

(b) Is it a fact that in addition to the above excessive hours of work, the staff is further required to attend on every alternate Sunday or other postal holiday ?



(c) Is it a fact that the Bewoor Time Test Committee recommended rest for half an hour every day, but no such recess was ever allowed ?

(d) Is it a fact that recently the International Labour Office, Geneva, passed a forty hours' week ?

(e) Is it a fact that two or three years back the staff also submitted a large number of identical appeals for the grant of allowance for additional work on Sundays and foreign mail days but the appeals were rejected ?

(f) If the replies to the preceding parts be in the affirmative, do Government propose to reduce the hours of work by changing either the closing or the opening hours of business, or grant them an allowance for additional work exacted from the staff on week days, holidays and foreign mail days and also grant them half an hour's rest ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) The facts are not as stated by the Honourable Member.

(b) The attendance of the necessary staff on Sundays and holidays is a recognised condition of service in the Postal Department. In order, however, to minimise hardship the Director-General has issued instructions that a rotation of duties should be arranged, as far as the exigencies of the service permit, among the whole staff of an office so that the turn for an individual to work on Sundays and Post Office holidays may recur as seldom as possible. In this connection attention is invited to the reply given to parts (c) and (d) of Mr. S. G. Jog's starred question No. 964, dated the 8th November, 1932.

(c) In his Report on the Revision of Time-Test in the Post Office, Mr. Bewoor recommended an allowance of 30 minutes for rest, refreshment and unavoidable interruptions to duty in the case of clerks on continuous duty and an allowance of 15 minutes for the same purpose in the case of clerks on split duty. Clerks are allowed recess for refreshment and rest so far as possible.

(d) No.

(e) The fact is that in 1931 representations were received from some of the clerks of the Delhi Post Office asking for the grant of an overtime allowance for work in connection with the special delivery of foreign mails and not in connection with the work on Sundays. These appeals were rejected after due consideration. The special delivery of foreign mails in the Delhi Post Office has since been discontinued.

(f) Does not arise

#### APPOINTMENT OF JUNIOR TIME-SCALE CLERKS AS INSPECTORS OF POST OFFICES AT CERTAIN PLACES

66. **Seth Liladhar Chaudhury :** (a) Will Government please state how they account for the appointment of junior time-scale clerks as Inspectors at Delhi, Amritsar, Jhelum and in the office of the Superintendent, Railway Mail Service, D. Division, Delhi ?

(b) What new necessities have arisen which justify reconferment of wide discretionary powers of nomination of Town Inspectors on the first class Postmasters from amongst such officials ?

(c) Is it a fact that this system of nomination was once tried and given up as a result of organised and protracted agitation by the All-India (including Burma) Postal and R. M. S. Union ?

(d) Do Government propose to consider the desirability of fixing some standard or criterion, such as seniority coupled with academic qualifications, for the conscientious use of such powers ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) It is not clear whether the Honourable Member refers to Inspectors of Post Offices who are in the selection grade or to the Town Inspectors who are in the time scale and Government, therefore, regret that they are not in a position to reply in detail to this part of the question. I may add, however, that if any official considers that he has any grievance, it is open to him to represent it to the proper authority through the usual official channel.

(b) The posts of Town Inspectors are now in the ordinary time scales of pay, and, it is, therefore, within the competence of a first class Postmaster to appoint to such posts.

(c) Government have not been able to trace the case to which the Honourable Member refers.

(d) No. Government do not consider that the present system of selecting for appointments as Town Inspector those officials who are considered most suitable by the Postmaster concerned requires any change.

#### EXCHANGES OF THE STAFF OF THE POSTAL DEPARTMENT.

67. **Seth Liladhar Chaudhury :** (a) Are Government aware that owing to the want of exchanges the staff of the Postal Department is experiencing a great difficulty in the matter of transfers to their home stations ?

(b) Is it a fact that contrary to Fundamental Rule 22 (b) the members of staff who desire to be transferred to the Divisions and other smaller Head Offices are required to give an undertaking that they shall accept less pay ?

(c) If the replies to the preceding parts be in the affirmative, will Government please state under what rules they take an undertaking and whether they are prepared to make some suitable arrangements for the transfer of clerks to their home stations and also stop the practice of demanding written undertakings ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Government have no information.

(b) No, the pay of officials transferred is fixed strictly in accordance with the Fundamental Rules and no question of any individual undertakings arises.

(c) Does not arise

#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Council of State :

" I am directed to inform you that the Council of State has, at its meeting held on the 14th August, 1934, agreed without any amendments to the following Bills

which were passed by the Legislative Assembly at its meetings held on the 18th and 30th July and 7th August, 1934, namely :

1. A Bill to amend certain enactments and to repeal certain other enactments ;
2. A Bill to provide for the imposition and collection of an excise duty on mechanical lighters ; and
3. A Bill to consolidate and amend the law regulating labour in factories."

### DEATH OF SIR MANMOHANDAS RAMJI.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, in the absence of the Leader of the House owing to illness, it has fallen to my lot to express, however inadequately, the regret with which we, on these Benches, have learnt of the passing of one who was a Member of this Assembly from 1921 to 1923 and who was an eminent figure in the public life of Bombay. That regret will, I am sure, be shared by all sections of the House. I had not the privilege of knowing Sir Manmohandas Ramji intimately, but during my spells of service in Bombay and my frequent visits to that city, I met him often enough to be in a position to appreciate the great qualities, the wise caution, the independence of character and the courteous disposition, which won for him the respect and regard of the commercial and industrial circles in that city. Sir Manmohandas Ramji fought manfully for what he conceived to be the best interests of India but he always fought fairly. (Hear, hear.) He was always ready to place his services at the disposal of the Government and of the public as is shown by the number of committees on which he served from time to time, the Braithwaite Committee, the Railway Advisory Committee, the Railway Risk Note Committee, and the Income-tax Committee. He has died full of years and honours but in the troublous times through which we are passing, India generally and Bombay specially could ill-afford to lose a counsellor of his character and experience. I would request you, Sir, to convey our deep sympathy to his relatives in their bereavement.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, at the desire of my leader I beg to associate the Independent Party with the tribute which has been paid to the memory of the late Sir Manmohandas Ramji by my Honourable friend, Sir Frank Noyce. I knew Sir Manmohandas Ramji for a number of years. He was actively associated with a number of organisations with which my own connection has been very close. Sir Manmohandas Ramji was a typical Bombay citizen, a man of many-sided activities. He had very large business connections, and there was hardly an important trade or industry with which he was not associated. His shrewd common sense and his knowledge of men and affairs enabled him to make a success of every business which he touched. He was one of the most successful Mill-Agents in the whole of India, and it was instructive to see how he carried the burden of all his various business interests. If you walked into his office, you would find him sitting at a table devoid of any papers, in an office which seemed to be bare of any staff, and yet he knew every detail of his large business. His connection with public life was also many-sided. He was for many years a member of the Municipal Corporation of Bombay and was its President in the closing year of his connection with that body. As such,

he rendered meritorious services to the civic life of Bombay. He was equally intimately connected with a great many other organisations : he was a member of the Improvement Trust, the Port Trust, and the Legislative Council of Bombay. He was, with the exception of my old and revered friend, Sir Dinshaw Wacha, the oldest member of the Millowners' Association, Bombay ; and he was its President some years ago. Up to the very last, he kept a close touch with everything that transpired and his advice and counsel were of the utmost assistance. He did not speak very much : but his shrewd common sense and his intimate acquaintance with the commercial and industrial life of Bombay and the country generally enabled him to take a very active and useful part in the discussion of almost any question that came up before the Millowners' Association or any other public body. His most outstanding service to the commercial life of India, I think, was the part he took in founding the Indian Merchants' Chamber of Bombay. In those days, the voice of Indian commercial opinion was very little heard, and if it was heard at all, it was completely ignored. Sir Manmohandas Ramji, in the teeth of much opposition, in the face of many difficulties, founded, with the assistance of a few friends, the Indian Merchants' Chamber, and from humble beginnings he made it, within a very short time, one of the most influential bodies in the whole of India. For many years, until the Federation of Indian Chambers came into being, it may truthfully be said that the Indian Merchants' Chamber was really the voice of Indian Commercial opinion in India. It is a matter of regret that this leadership of Indian Commercial opinion threatens to pass into other hands. It is typical of the man that when, at a critical juncture in the history of the Chamber which he had founded, Sir Manmohandas Ramji was called last year to preside once again over the deliberations of that body, as one who would command the most confidence from all sections of the Chamber, he willingly gave his services, what time his health would surely have entitled him to seek retirement. It was also typical of him, that when he found himself in disagreement with the Chamber on a crucial question, namely, that of the Indo-Lancashire pact, he was not afraid of sending in the resignation of his Presidentship. My Honourable friend, Sir Frank Noyce, has spoken of the courage with which he voiced his opinions. That courage was exemplified most signally when he put himself against the current of public opinion, and stood up as an exponent of the 18 d. ratio. That courage was also exemplified in later years when he stood out against the reformist tendencies of the younger generation. He was not afraid of incurring unpopularity on such occasions, and it was, I think, his greatest merit that he served, whatever cause he intended to serve, without regard to any consequences that might arise to him personally. Sir, Bombay has lost one of its most respected citizens and the commercial and industrial life of India one of its most notable figures by the passing away of Sir Manmohandas Ramji, and I desire to associate myself in this expression of sympathy with the family of the deceased.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, my acquaintance with the late Sir Manmohandas Ramji could not possibly have been of the same intimate character as that of my Honourable friend, Mr. Mody, but, I think, I am one of the very few Members present here today, who had the privilege of having Sir Manmohandas Ramji as their Colleague in the first Legislative Assembly. He represented the Indian mercantile interests of Bombay during those three years, but, at the same

[Mr. K. C. Neogy.]

time, he was one of the promoters of the Democratic Party which we formed and which constituted the Opposition in the first Legislative Assembly. I very well remember that although a capitalist himself he used to take a very democratic view of things in all questions of public importance which came up before the House ; and I was particularly struck by the urbanity of his manners. I have no doubt that the Indian mercantile interests have suffered a very severe loss in his death and I desire to associate myself and my Party with all that has fallen from the two previous speakers.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I feel sure that not only this House but the whole country has heard with sorrow of the sad news of the death of Sir Manmohandas Ramji. Sir Manmohandas Ramji was a name which is very familiar in my constituency. Apart from the activities, which my Honourable friend, Mr. Mody, has enumerated, of Sir Manmohandas Ramji, he was a pillar of strength to the orthodox Hindu community of Guzerat, and of late he was appointed President of the Sanatanist Board, and as such he was carrying on a very manly fight against the revolutionary tendencies which have been attacking the Hindu society and Hindu religion, and I feel sure that the Sanatanists of Guzerat will feel his loss very keenly. I associate myself and the Centre Party with what has been said about Sir Manmohandas Ramji by the previous speakers, and I support the proposal for sending our condolences to the bereaved family.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I happen to be one of the few who have had the privilege of serving with the late Sir Manmohandas Ramji in the first Legislative Assembly inaugurated in 1921 ; and, as Mr. Neogy has pointed out, he was one of the foundation Members of the Democratic Party which was the main Opposition in the first Assembly. Those, who will recall his services as a Member of this Assembly, will easily realise the words of wisdom which fell from him on every occasion when this House had to deliberate upon questions of commerce, industry or finance. Sir Manmohandas Ramji spoke but little in this House, but his influence in the Democratic Party, and through the Democratic Party in shaping legislation and measures passed in the First Assembly, was considerable ; and we mourn the loss of one who was a great industrialist in this country, a great pioneer of the Bombay mill industry. We also mourn his loss, because he was one of those few men who, by his sound judgment and advice, shaped the policy of the Government during the formative stages of the first Assembly of 1921. I wish to associate myself and my Party with all that has fallen from the Honourable Sir Frank Noyce and Mr. Mody, and wish you, Sir, to convey to the family of the decessae our heartfelt grief at his death.

**Sir Leslie Hudson** (Bombay : European) : Sir, I wish to associate myself and my Party with all that has fallen from the Honourable Sir Frank Noyce and the other Honourable Members who have spoken on this motion. Sir Manmohandas Ramji, as my Honourable friend, Mr. Mody, pointed out, was an outstanding figure in the commercial and industrial life of Bombay for many years past. My own connection with Sir Manmohandas was more particularly on the Port Trust where his experience and

his advice were always keenly sought after by the Chairman of the Port Trust and his colleagues amongst the trustees. My own personal friendship, I am glad to say, with Sir Manmohandas existed for at least 10 or 12 years, and on more than one occasion I went to him for advice on knotty commercial subjects and was always helped by his very keen common sense and great knowledge and experience. Sir, I wish to associate myself and my Party with the remarks which have been uttered by the Honourable Members.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I wish to associate the Chair with the tribute that has been paid to the memory of the late Sir Manmohandas Ramji. Sir Manmohandas was one of the first of Indian businessmen who realised the need for co-operative action on the part of the business community of India and the need for Indian businessmen to take a more active part in the wider public life of the country. In his death India has lost a prominent citizen and the commercial and business world of India has lost one of its outstanding personalities. It will be my duty to convey to the bereaved family of Sir Manmohandas Ramji the sympathy and grief of this House.

#### THE INDIAN RUBBER CONTROL BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I move for leave to introduce a Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That leave be granted to introduce a Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India.”

The motion was adopted.

**Mr. G. S. Bajpai** : Sir, I introduce the Bill.

#### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**Mr. A. J. Raisman** (Government of India : Nominated Official) : Sir, in the unavoidable absence of the Honourable Sir James Grigg owing to indisposition, I ask your permission to move the motion standing in his name.

I move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.”

**Mr. F. E. James** (Madras : European) : Sir, before this motion is put to the vote, may I ask for information on a point of order ? In the case of a Bill which is put down in the name of one Honourable

[Mr. F. E. James.]

Member of the House, under what conditions is it possible for another Honourable Member to introduce that Bill on his behalf? I ask that merely in order to have a ruling from you which might apply to all Bills whether official or non-official.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Under the Rules and Standing Orders, so far as Government Bills are concerned, the Member in charge of a Bill is deemed to be anyone acting on behalf of Government for the purpose.

The question is :

“That leave be granted to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.”

The motion was adopted.

**Mr A. J. Raisman** : Sir, I introduce the Bill.

### THE INDIAN ARMY (AMENDMENT) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Bill further to amend the Indian Army Act, 1911.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“That clause 5 stand part of the Bill.”

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : Sir, I move :

“That clause 5 of the Bill be re-numbered as clause 5 (1), and after the clause so re-numbered the following new sub-clause be inserted :

‘(2) After section 7 of the said Act, the following section shall be inserted, Insertion of new section namely :  
7A in Act VIII of 1911.

‘7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations.’”

**Lieut.-Colonel A. F. R. Lumby** (Army Secretary) : Sir, on a point of order. I beg to submit that the amendment proposed is not within the competence of the Indian Legislature. My case is this. Firstly, under clause (d) of sub-section (1) of section 65 of the Government of India Act, the Indian Legislature has power to make laws for the government of officers, soldiers and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act. British officers of the Indian Army and the British officers of the British Service who would be with them in the mixed formations, which the proposed amendment would cover, are subject in all respects to the Army Act, and, consequently, the Indian Legislature is not competent to legislate for them. My submission is, therefore, that it is not within the competence of this

Legislature to enact the section which the amendment proposes to insert in the Bill ; for, that section provides that the status and opportunities of Indian Commissioned officers in the Indian Army shall be the same as those of British officers in the Indian Army, and, in doing so manifestly purports to legislate for the British officers no less than for the Indian Commissioned officers.

My second point is that clause (i) of sub-section (2) of that same section 65 of the Government of India Act adds a proviso to sub-section (1) :

“ Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India, including the Army Act.”

That sub-section, Sir, I submit, applies for the same reason as clause (d) of sub-section (1).

Thirdly, Sir, in so far as the amendment proposes to regulate the mutual powers of command of the Indian Commissioned officers and the British Officers of the Indian Army, I submit that it is contrary to section 71 of the Army Act, which lays down that it is for His Majesty to make the regulations as to the persons to be invested with command over His Majesty's forces, and as to the mode by which such command is to be exercised.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What has the Honourable Member, Sir Abdur Rahim, got to say on that point of order ?

**Sir Abdur Rahim** : Sir, the first objection taken by the Army Secretary is that this Legislature has no power to legislate with respect to British officers who are subject to English Army Act, but the amendment which I am placing before the House does not purport to legislate with respect to British officers at all. All that my amendment seeks to do is that the Indian Commissioned officers whom this Bill seeks to create shall have certain opportunities of command. They will have to serve in the same units and formations as the British officers. The majority of the Select Committee lay down that there shall be no difference whatever so far as powers of command and other matters are concerned in the units of the Indian Army. That is the position taken up by the Army Authorities themselves. Now, Sir, if the Bill can legitimately provide for equal opportunities in the ordinary units, not the mixed, but the purely Indian units of the Indian Army, where is the difficulty in making the same provision with respect to mixed formations ? In one case if this Legislature has power to legislate, it has the same power in the other case also.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member means he is seeking to provide for a class of officers for whom nothing has yet been provided in the Army Act ?

**Sir Abdur Rahim** : Exactly.

(At this stage, Lieut.-Colonel A. F. R Lumby rose to speak.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Let Sir Abdur Rahim finish his speech, and then the Honourable Member can reply.



**Sir Abdur Rahim :** Sir, I say that the position taken up by Government is inconsistent, because they themselves admit that the Commissioned officer shall have the same opportunities and same status with respect to the units in the Indian Army as the British officers, and they cannot, therefore, take any objection and say they cannot have any provision to the same effect with respect to mixed formations. They themselves have introduced this Bill creating a class of officer called the Indian Commissioned officer. I do say, therefore, that it follows that this Legislature which is asked to pass this Bill has got the power to lay down what will be the functions, the duties and powers of command of the Commissioned officer who is going to be created by this Bill in the Indian Army throughout. By this amendment I am not seeking to make any provision with respect to command by Indian Commissioned officers over British forces of British service at all. The provision that I want this House to consider is that with respect to the Indian Army in all units and formations, not only in the ordinary units but also in mixed formations of the Indian Army, the Indian officer who is going to be created by this Bill shall have the same power of command as British officers. The amendment does not seek to make any law with respect to British officers. That is the first point.

Then, all that section 65 clause (d) says is that, for the government of officers, soldiers and followers of His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Indian Army Act. &c. My friend has only been able to refer to section 71 of the Army Act, and all that it says is that His Majesty the King may make such regulations as he pleases in order to remove doubts as to the powers of command duly vested in officers and others belonging to His Majesty's Forces. By this amendment we are not seeking in any way,—and nobody will think of doing it,—to encroach upon the power of His Majesty the King. Whatever law may be passed by this Legislature it will always be subject to any regulations that His Majesty may make. That is an obvious proposition which nobody can doubt. And here is my friend, the Honourable the Law Member, who, I am sure, will agree with me that whatever law this Legislature may pass, it will always be subject to whatever regulations His Majesty may be pleased to enforce.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member's point is that his amendment is not inconsistent with section 71 of the Indian Army Act ?

**Sir Abdur Rahim :** Exactly, it is in no way inconsistent. I think these are really the two points that my Honourable friend, the Army Secretary, raised by way of objection to this amendment.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, the Honourable the Army Secretary has referred to section 65 of the Government of India Act, clause (d). Now, if he will kindly read that very clause, he will see that it cannot possibly apply to the subject we have in hand at present. That section says that the Indian Legislature has power for the government of officers, soldiers, airmen and followers of His Majesty's Indian Forces wherever they are serving. Now comes the Exception. The Exception is,—in so far as they,—that is to say, the Indian officers are not subject to the Indian Army,—that is to say the Indian Legislature has got the power

of providing for the government of officers only so far, but it cannot have the power so far as these officers are subject to the Army Act. Nothing has been said by the Army Secretary as to how these officers, whom we are about to create, will be subject to the Army Act, and if they are not subject to the Army Act, the Exception in clause (d) ceases to apply.

My friend then referred to proviso in clause 2, which says that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting any Act of Parliament passed after the year 1860 and extending to British India, and any Act amending the same. Now, he has not actually referred to any Act of Parliament passed after that year which extends to British India. He has referred to section 71 of the Army Act. I have got that section before me, and as you rightly pointed out, Sir, if I may say so with due deference, all that section 71 of the Army Act lays down is to give His Majesty power to make regulations "as to the persons to be invested as officers or otherwise with command over His Majesty's forces", so that proviso (2) does not deal with any regulations at all. And, in so far as these regulations under section 71 are to be made by His Majesty in accordance with the provisions of the Army Act, my Honourable friend, Sir Abdur Rahim, has already pointed out that there are no regulations at the present moment applicable to the Indian officers about to be created, but, if, hereafter, any regulation is made applicable to the Indian officers, it will *protanto* supersede any powers which this House may confer upon the Indian officers. That is the plain meaning of section 71 of the Army Act. I cannot understand how my Honourable friend, the Army Secretary, questions the jurisdiction and authority of this House to legislate for officers which he himself proposes to create by virtue of this Bill. Some confusion has, no doubt, been caused in the mind of the Army Secretary by reason of the wording of my Honourable friend, Sir Abdur Rahim's amendment. Because he has said that: "the status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations,"—that is to say, by analogy with the British officers, he has compendiously categorised all the powers, authority, status and function which the Indian officers will discharge and enjoy. Now, supposing there were no analogy at all and supposing the Legislature were to say in so many terms that they will have this status, these powers and those functions without reference to the British officers in the Indian Army, could my Honourable friend then say that this House has no jurisdiction to define the powers and the status of the Indian officers which it brings into being? My Honourable friend is quite prepared to cut out the closing words and give the specific status and powers and functions which we propose that these Indian officers shall enjoy, and, in that case, there can be no objection whatever to this Legislature enacting the measure we have in hand. I submit that the Army Secretary has not yet stated anything which would take this clause out of the jurisdiction of this Legislature.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) : Sir, with regard to the point of order raised in respect to the amendment of my Honourable friend, Sir Abdur Rahim, may I, on this point, ask the

[Lieut.-Colonel Sir Henry Gidney.]

Army Secretary, whether in raising his objection and quoting from various army regulations, his main objection is to one part of Sir Abdur Rahim's amendment, and that is the word "formations"? If the Honourable the Army Secretary objected to any other part, then I submit that my Honourable friend, Sir Abdur Rahim's amendment seems to be quite reasonable, but if the Army Secretary objects to that specific word "formations", I can quite conceive what is flowing in the undercurrent of his mind. By formation he means one consisting of British units and Indian units in one station and it is the difficulty regarding the command of that united formation which I think has actuated the Army Secretary in raising this objection. I should like to know whether the Army Secretary specifically objects to that word "formations" and not units of the Indian Army *qua* the Indian Army.

**Lieut.-Colonel A. F. R. Lumby :** With reference to the point which has just been made by my Honourable friend, Sir Henry Gidney, I certainly do base my major objection on the possibility of the proposed amendment covering mixed formations.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member mean to say that if the word "formations" is omitted, then the amendment would be *intra vires* of this Legislature?

**Lieut.-Colonel A. F. R. Lumby :** No, Sir. I was going to say that my objection is on the point of principle.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House is not concerned with any principle at all. What the Chair wants to know is, whether he would contend that this amendment will be *ultra vires* of this Legislature even if the words "all units and formations" are omitted. The Chair asks this specific question, because the answer to that will enable the Chair to understand the real point of the Honourable Member's objection.

**Lieut.-Colonel A. F. R. Lumby :** I would still maintain my view, even if those words were omitted, and the point I would make would be this. My Honourable friend, the Leader of the Opposition, based his case largely on the argument that we had already legislated in this draft Bill that the powers and privileges of the Indian Commissioned officers and the British officers of the Indian Army would be identical. But that is not so. This is purely a discipline Bill which does not cover status or powers of command or anything of that kind.

**Sir Abdur Rahim :** I thought my Honourable friend, the Army Secretary, admitted yesterday that so far as units are concerned there is no difficulty and the powers will be the same.

**Lieut.-Colonel A. F. R. Lumby :** My whole point in the course of my first speech and in the Select Committee and yesterday was that regulations will have to be made by His Majesty's Government under section 71 of the Army Act to govern these things. This Bill says nothing about such matters which in the case of the British and Indian Armies are covered by King's Regulations. It seems to me that there is nothing in the Bill which can be used as an argument to support any

other view than that it is by regulations that these various things will be governed and that those regulations will have to be made under section 71 of the Army Act by His Majesty's Government.

As regards my Honourable friend, Sir Hari Singh Gour's point on clause (d) of sub-section (1) of section 65, the term "officers, soldiers and followers in His Majesty's Indian forces" must be held, I submit, to include the British officers of the Indian Army. It is they who are under the Army Act, and it is because they are under that Act that I have submitted that it is not within the power of this Legislature to insert a section in the Bill which would govern their conditions of service. One point that may have been missed as regards this proposed amendment is this. The general impression that I have gleaned from the objections which have been raised to my point of order is that it is merely proposed in this amendment to raise the status of the Indian Commissioned officer up to that of the British officer. But that is not quite all that it would involve. At the present moment, there is nothing to regulate the mutual powers of command of the Indian Commissioned officer and the British officer, but under this amendment the British officer would be made junior, if he was junior in service and rank, to the Indian Commissioned officer and that would be, under present circumstances, a change in his conditions of service.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Does the Army Act say in any section that a British officer can never act under the command of an Indian officer ?

**Lieut.-Colonel A. F. R. Lumby** : The Army Act says nothing about the powers of command.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What is the authority for the Honourable Member to state that this will be in contravention of the Army Act ? What I want to know is this. Is there any authority, either in the Army Act or in the King's Regulations made under section 71 of the Army Act, by which an Indian officer can never have command over a British officer ?

**Lieut.-Colonel A. F. R. Lumby** : There is no such provision, for an Indian officer is not provided for as yet in the King's Regulations.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Then why does the Honourable Member say that it will change the status of the British officer ?

**Lieut.-Colonel A. F. R. Lumby** : I think the point is that the sections in the King's Regulations that deal with powers of command only deal with powers of command as between officers of various categories of His Majesty's Land Forces, *plus* one specific clause which refers to the position of Dominion officers when they are doing duty with units of the British Army. The Indian Commissioned officer has not been legislated for at all. The Indian officers we have at present in the Indian Army come under the heading of 'British officers', as defined again in the present Bill, and no provision has yet been made in King's Regulations for the Indian Commissioned officer. The assurance that I have given on all occasions when supporting this Bill before the House has been that the regulations to govern the powers of command of this new type of officers will be made by His Majesty's Government under section 71 of the Army Act.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair would like to know whether section 71 of the Army Act has the same application to the Dominions as it has to India.

**Lieut.-Colonel A. F. R. Lumby** : In section 71 of the Army Act, reference is made to His Majesty's forces. In section 190, which covers the various definitions under the Army Act, in paragraph 7(a), inserted by an amendment in June 1932, it says, that His Majesty's forces do not include His Majesty's Dominion forces.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadan Urban) : It seems to me the position is quite simple. The first objection of the Honourable the Army Secretary was that no legislation affecting British officers can be made at all by this House. I venture to suggest that in this very Bill there are clauses which relate to British officers, such as the clause relating to courts martial, section 20 :

"A general court martial shall consist of not less than five British officers or Indian Commissioned officers, each of whom has held a commission, etc."

And, again, section 23 :

"A general, summary general or district court martial may be composed of"—etc., etc.

So that, you are giving power to the British officers who are regulated by the Army Act under this very Bill which the Army Secretary has introduced, so that I do not think that section 65 has any application at all. Then, so far as the Army Act is concerned, the position seems to be even clearer. We are subject to Parliamentary legislation. I take it that the Army Act applies to India. After the passing of the statute of Westminster, the particular definition which my Honourable friend just now referred to—paragraph 7 (a) of section 190, was passed in 1932, but, taking it that the Army Act applies to India, what does it say ? As my Honourable friend, the Army Secretary, said, it does not contemplate the class of officers which we are now discussing under this Bill—the Indian Commissioned officers. The Army Secretary has also admitted that the Army Act does not provide for any relationship between the British officers and the Indian Commissioned officers who are being realised under this Bill. So far the Army Act does not at all contemplate the relation between these two officers or recognise any position *qua* British officers and Indian Commissioned officers, so that nothing that we might enact about Indian Commissioned officers can be connected with the Army Act. That is quite clear. Therefore, section 71 has no application. The next question is, whether any regulations have so far been framed. Regulations framed under a Statute have, I concede, as much force as the Statute itself, and, therefore, if the Army Secretary were in a position now to lay his hands on particular regulations and point out that these regulations have already been framed and that, they are, therefore, binding on this Legislature as any particular section of the Parliamentary Statute, then I am willing to concede this particular provision may affect those regulations, and, therefore, will be *ultra vires* of this House. The Army Act is silent on the point. No regulations have yet been framed. Therefore, we have got plenary powers now to deal with the situation that might arise and to give a status to the Indian Commissioned officers. My Honourable friend is suffering under this overwhelming difficulty that in all probability there

will be a distinction between Indian Commissioned officers and British officers and that regulations may be framed which place the Indian Commissioned officers in an inferior rank to the British officers. Even so, he need not have any apprehension in the matter. What will happen is this. Directly a regulation is made by His Majesty under clause 71 of the Army Act, then that regulation has as much force as a Parliamentary Statute so far as any law passed by this House is concerned. To the extent that the regulation over-rides any provision that we have already made, it will have superior force and our Act, to that extent, will be inoperative. Therefore, my Honourable friend need have no apprehension. What we want to test is whether in that case a regulation will be forced positively to make discrimination between the Indian Commissioned officers and the British officers and then comes the question as to how far the assurance given by my Honourable friend, the Army Secretary, will be realised in the actual regulation that might be framed. Therefore, Sir, I submit that at present there is nothing which stands in the way of this Legislature framing a clause such as that which my Honourable friend, Sir Abdur Rahim, has pointed out.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, the matter strikes me in this way. (*An Honourable Member* : "Speak up please.") I have not started yet. Reading section 65 (d), we find there that the Indian Legislature can make laws for the government of officers, soldiers and followers in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act.

Now, proceeding by stages, it is obvious that under 65 (1) (d), the Legislature has no power to enact any law in respect of a person who is subject to the Army Act. Now, if we start with that, we have got to remember that the British officers who are acting in India are subject to the Army Act. This is the first step in the argument. Therefore, *qua* those British officers, although they are acting in India, no legislation can be enacted by this House. This House has no power, not because they are British, but because they are subject to the Army Act.

**Lieut.-Colonel Sir Henry Gidney** : Both British forces and the Indian forces ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : This amendment deals with a class of officers who are going to be created by an Act of this Legislature, and they are, therefore, not dealt with by the Army Act.

**The Honourable Sir Nripendra Sircar** : I am coming to that. I quite realise that these are officers who are going to be created by this Act, and, therefore, these are officers who could not have been referred to or dealt with by the Army Act. At this stage, I am not concerned with them, but with British officers, subject to the Army Act, about whom this House has no power. This House can create new officers, but cannot legislate for those governed by the Army Act. If we assume that the British Officer has certain rights under the Army Act, and that Army Act does not contemplate this new class of officers at all, then I may put the matter before the House, by following what was indicated by my Honourable friend, Sir Hari Singh Gour. Supposing this Legislature proceeds to put down, step by step, (1), (2), (3), that these will be the functions, authorities and powers of the officers who are going now to be enrolled, then, let us assume that, in this Act we had put it down that British

[Sir Nripendra Sircar.]

officers will always act under Indian officers whether the British officer concerned is junior or senior. I am testing the correctness of my argument. What would then be the position? Is the British officer, or is he not, entitled to say,—“under the Army Act” (supposing this Act had not been introduced at all), “under the Army Act and under the regulations enacted by His Majesty, I would never have been placed under this new class of officers which is now going to be created”. That is, as the Chair was pleased to point out, this is a class of officer which was not in the contemplation of the Army Act at all,—because it has now come into existence...

**Sir Hari Singh Gour :** What section of the Army Act provides for that, please?

**The Honourable Sir Nripendra Sircar :** My friend, Sir Hari Singh Gour, need not be so very impatient, I may tell him—or although I was not convinced by Sir Abdur Rahim's argument, whatever might have been the impression made by him, it was completely removed by Sir Hari Singh Gour; however, I may proceed in my own way and answer the specific question put to me by the Chair. I would ask the Honourable Members of this House to look at this from this point of view. The British officer takes up this attitude. He says: “If this had not been passed at all, if this new class of officers had not come into existence, then what was my right? My right was that I was a British officer, controlled by the Army Act, and my rights, duties and liabilities are all to be found in the Army Act in the matter of command and so on. Whatever happens to me, that will be done by the British officer, who is the only officer in contemplation under the Army Act.” Now, what are you going to do? You are going to do this. You are creating another class of officers who will have that right,—I am taking an extreme case, I am not suggesting that that is going to happen. Under this Act, you are saying, taking the illustration I have given, for testing the argument, “I a British officer shall be placed under an Indian officer, who is not an officer governed by the Army Act, although I am his senior, although that could not have been my position if this Act had not been enacted.” Sir, the wordings on which I place the greatest reliance are as much that of 65 (1) (d) as of 65 (2) :

“Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting.....

(i) .....the Army Act.”

I draw the attention of this Honourable House to the word “affecting”. Sir, for years we had a long discussion and judicial decisions about the word “affecting”. If I might remind this House very shortly, Mr. Justice Mookherji, in connection with the Calcutta Improvement Trust Tribunal, which gave that Tribunal certain powers to deal with land affected by any scheme, after going through all the authorities, came to the conclusion that “affected” means “prejudicially affected”. If it is beneficially affected, then really that is not the idea of the word “affecting”. The House will remember that that was upset not only by the Full Bench of the Calcutta High Court but the decision of the Full Bench was accepted and confirmed by the Judicial Committee, and from that moment at least, so far as I am concerned, I have understood the word “affecting” to mean “which causes any change, which has any effect of any kind”—whether that effect is prejudicial or beneficial we

are not concerned with. But strictly speaking, that matter hardly arises in answer to the question which was put to me by the Chair. I will answer the question put by my Honourable friend, Sir Hari Singh Gour. He said : "suppose we had, instead of following the language of the Honourable Sir Abdur Rahim's amendment, we had put down *seriatim* (a), (b), (c), (d), that these are the powers of these new Indian officers, could you have said that the Act was *ultra vires* ?" Sir, to that question the answer is that that depends on what your (a), (b), (c), (d) are going to be. I took the extreme case, *viz.*,—under item No. (c) it is set out, the Indian Legislature enacts, that a British officer, whatever his seniority, will be under the command of a junior officer of this new class of Indian officer. Take that extreme and improbable case for testing the validity of my argument. Supposing the Indian Legislature had said that he will, whatever his position may be under the Army Act, whatever the regulations may be, and so on, be under a junior of this newly created class of officers, that will be really affecting his rights under the Army Act. Now, proceed another step backward.

Sir, this Act, instead of saying that the British officer is bound to be under an Indian officer, proceeds to say that he may be under an Indian officer—not that he is bound to be. That is exactly the position which is going to be introduced by the amendment. It is only a question of degree, between the case supposed in my illustration, and the one you are enacting, but as a matter of logic, the positions are exactly the same, *viz.*, the other man is entitled to say that : "in one case you were regulating through the Indian Legislature that I was bound to be under an Indian officer ; in the other case you are regulating that I may be under an Indian officer ; that is not my position under the Army Act. The Army Act does not contemplate my being placed under anybody who does not come under the Army Act, that is to say, any other than a British officer." Therefore, the point of view of this will be that his rights are 'affected' by the amendment which is going to be made : he is entitled to say that this House has legislated for one subject to the Army Act. If I may, before I resume my seat, read out the amendment, this is what my Honourable friend, Sir Abdur Rahim, proposes by his amendment :

"(2) After section 7 of the said Act, the following section shall be inserted, namely :—

'7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations.'

Sir, I would ask you to look at these words—"rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers". It is only a question of the language which is used, but what is the substance ? The substance is that we are putting it in this way that the rank and precedence of the new Indian officers will be that of the British officers. In substance it means from the point of view of the British officer that whatever his rights may be under the English Army Act and although he is entitled to say that under this Act he will not recognise a newly created body like the Indian officers who are going to.....

Diwan Bahadur A. Ramaswami Mudaliar : Can he say so ? What is the authority of the Honourable Member to say that he can say so ?



**The Honourable Sir Nripendra Sircar :** Section 65 prevents this Legislature from legislating about him, and, further, my authority is section 71 of the Army Act. I thought it was conceded that the British Army Act does not apply to the Indian officers who are now going to be created, because, otherwise, there would have been no necessity for our taking the trouble of legislating. As that is so, in answer to the question of my Honourable friend, the Diwan Bahadur, I want him to consider this. If it is conceded that under the British Army Act you cannot place a British officer under an Indian officer for the reason that that class of officer is neither defined nor is within the contemplation of the British Army Act, then the position under the new Indian Act will be that the British officer will be liable to be placed under the Indian officer. Please remember that I am not going into the politics of the thing ; I am only arguing the point of order, and not contending that the Indian officer should have inferior status. If this amendment is permissible, it is equally permissible to amend by suggesting that the British officer acting in India must always be placed under an Indian officer irrespective of the question of juniority and seniority. Taking the argument suggested by my Honourable friend opposite, let us see if the argument is sound. Why is this amendment *ultra vires* ? We are providing that the British officer, whoever he may be and whatever his rank may be, under our legislation, is going to be under some Indian officer. It can be said, as has been suggested, where does the British Army Act say that a British Brigadier-General should not be under an Indian Lieutenant ? But, Sir, why should the British Army Act say that ? As I said,—I hope I am not repeating what I said before—the British Army Act does not contemplate this new officer at all. It does not contemplate the situation that the British officer will be placed under some other kind of officer who is going to be under the power of the Indian Legislature.

**Sir Abdur Rahim :** It does not provide against it either.

**The Honourable Sir Nripendra Sircar :** All that it contemplates is the British officer and it cannot provide either one way or the other, and, therefore, it follows also that if my friend's argument is right, it is not only permissible for us to say here by enactment that in the matter of rank and precedence it shall be the same, but it is equally permissible for us to say that a British officer whatever his position must be under the Indian officer.

**Sir Abdur Rahim :** I would not suggest such a painful necessity.

**The Honourable Sir Nripendra Sircar :** But that is the logical consequence. As I said, I am not going into politics. I am also keen on removing inferiority from the Indian officer, but I am only considering the legal position. It can equally be said : “ Where does the British Army Act say that a British Brigadier-General cannot be placed under the Indian Lieutenant ? It does not say that, and, therefore, it is argued such provision is not expressly inconsistent with any provision of the Army Act.” But my whole point is that it is not necessary that a provision in the Indian Act should be in terms which are inconsistent with any provision of the Army Act or of any other Parliamentary Act. All that is wanted is that rights of men governed by the Army Act must not be affected. The word “ affected ” is the widest possible. Direct inconsistency in express terms is not required. You cannot *affect* the Army Act. Are you *affecting* the position of the officers under the Army Act ? With regard to the

British officer, are you enacting that his position will be controlled by the Indian Act ? You contend that, as a matter of fact, a British officer, under the powers exercised by this House, can be placed under a body of officers who are now going to be created. If the argument is right that so long as you do not find in the Army Act something which is the direct contrary of any express enactment here, then there will be considerable force in the arguments which have been suggested by my Honourable friend, the Diwan Bahadur.

**Diwan Bahadur A. Ramaswami Mudaliar :** Then clause 20 is also *ultra vires* of the House.

**The Honourable Sir Nripendra Sircar :** That is an argument of despair !

**Diwan Bahadur A. Ramaswami Mudaliar :** That is a logical absurdity !

**The Honourable Sir Nripendra Sircar :** No, that is not so. Either my argument is right or that argument is wrong. It must be one of two things. If my argument is right and if it makes clause 20 *ultra vires*, that is neither here nor there. This argument must be judged on its merits. We have not yet discussed clause 20 and we have not heard the Diwan Bahadur on clause 20 whether it is *ultra vires* or not.

**Sir Abdur Rahim :** May I ask the Honourable the Law Member whether Government have got the power to enact sections 20, 21, 23 and 25 because, after all, you are going to be a party to enacting this very measure.

**The Honourable Sir Nripendra Sircar :** Will the Honourable Member kindly repeat the sections he has just cited ?

**Sir Abdur Rahim :** I have mentioned as an example sections 20, 21, 23 and 25. We are not arguing a particular case. I want my Honourable friend to give his opinion on those sections especially in view of the word 'affected' and the meaning he has suggested to that word. He might also look at the definition of a 'British officer' as given in clause 5 (a) (1).

**The Honourable Sir Nripendra Sircar :** I have looked at the definition, Sir.

**Sir Abdur Rahim :** I want to know the opinion of the Honourable Member as regards the whole Act.

**The Honourable Sir Nripendra Sircar :** I thought my friend wanted to know what my opinion was about sections 20, 21, 23 and 25. As regards the 'definition', I do not find any difficulty whatsoever, and, for this reason. A "British officer means a person holding His Majesty's commission in His Majesty's Land Forces or in the Royal Marines or in the Territorial Army, and includes, in relation to a person subject to this Act when serving under such conditions as may be prescribed, a person holding a commission in His Majesty's Naval Forces or the Royal Air Force."

**Sir Abdur Rahim :** May I interrupt my Honourable friend. I referred to that definition to show that you are legislating with reference to this very officer. That is the whole object. The Law Member says that it will affect the Army Act because the British officer is mainly under the Army Act.

**The Honourable Sir Nripendra Sircar :** I thought I made my position perfectly clear. I was arguing that if the argument put forward from the opposite Benches is right, then we can not only say, that he can be placed on the same footing as the Indian officer, but it will be equally within our power to say that he will be always under the Indian officer. In any case, apart from "affecting", this Legislature cannot legislate in respect of officers subject to the Army Act and that is being done. That difficulty has to be got over, before we consider whether anything has been "affected" or not.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : To show that it is not inconsistent with the provisions of the Army Act. Is that the Honourable Member's position ?

**The Honourable Sir Nripendra Sircar :** My point was that as regards the Army Act the Indian officer was not in contemplation and the "Regulation" in section 71 of the Army Act only means this ; instead of this matter of superiority of command and so on being left to the Legislature, it is being taken away from the Legislature to His Majesty the King who will settle that matter by Regulations, and, therefore, it will be no longer within the competence of the Legislature or of any other body to prescribe anything for the respective precedence and so on of the officers *inter se*. I would submit in conclusion that this amendment to section 7 states :

"The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations."

And that, in my submission, will be hit by section 65, sub-section (2) of the Government of India Act, as also by 65 (1) (d).

**Sir Hari Singh Gour :** May I put one question, if you do not mind, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair has heard enough.

**Sir Hari Singh Gour :** I only want to put one question.

**Some Honourable Members :** Order, order.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The legislative jurisdiction of the Indian Legislature is derived from the authority of the British Parliament. The limitations imposed on the legislative jurisdiction of this House are contained in section 65 of the Government of India Act. Whenever a question is raised, whether a certain provision is *ultra vires* or *intra vires* of this Legislature, the Chair has to carefully examine the provisions of section 65 of the Government of India Act. Section 65, sub-section (1), defines the territorial and personal jurisdiction of this House, and sub-section (2) defines the limitations imposed upon the jurisdiction of this House. The Chair will have first to consider whether the amendment or the clause in question is covered by the positive territorial and personal jurisdiction conferred upon this Legislature by section 65 (1). The relevant sub-section runs as follows :

"The Indian Legislature has power to make laws for the government of officers .....in His Majesty's Indian forces, wherever they are serving, in so far as they are not subject to the Army Act or the Air Force Act."

Now, the expression "Indian forces" used in this section does not have a racial connotation, but a territorial connotation. It does not mean Indian officers, but it means both Indian and British officers serving in the army in India. (Hear, hear and Applause.) The expression "Indian forces", therefore, has got a territorial and not a racial connotation. The Bill before the House creates a new class of officers called the Indian Commissioned Officers. This class of officers may be composed either of Indians or of Britishers, and this House has got jurisdiction to legislate for both those classes. The amendment of Sir Abdur Rahim seeks to define the status and powers of the Indian Commissioned Officers who are to be created by the present Bill, and it is open to this Legislature to define what the power and status of those officers will be. This House has, therefore, got the right to define the status and powers of the Indian Commissioned Officers. Since the Indian Commissioned Officers are to be created anew, by an Act of this Legislature, they cannot obviously have been covered by any of the provisions of the Army Act or the King's Regulations framed thereunder. What the Chair has, therefore, now to decide, is whether the amendment of Sir Abdur Rahim would, in a negative and indirect manner, affect the position and status of officers who derive their status under the Indian Army Act or the King's Regulations. The contention of the Honourable the Law Member and the Honourable the Army Secretary is that the amendment of Sir Abdur Rahim will affect the status of those British Officers whose status is derived by the King's Regulations made under section 71 of the Army Act. But neither the Honourable the Law Member nor the Army Secretary have shown the Chair any provision of the King's Regulations by which it is specifically provided that a British Officer should, under no circumstances, be placed under the command of an Indian officer (Hear, hear); and, in the absence of any such provision, the Chair must hold that even indirectly the amendment of Sir Abdur Rahim does not contravene any of the provisions of the King's Regulations made under section 71 of the Army Act. (Applause.)

The Chair has now to examine the amendment in the light of the limitations imposed by section 65 (2) of the Government of India Act. That sub-section—the relevant portion of it—runs as follows :

"Provided that the Indian Legislature has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—(i) any Act of Parliament passed after the year one thousand eight hundred and sixty and extending to British India (including the Army Act, the Air Force Act and any Act amending the same) "

If it can be shown that the amendment seeks to repeal or affect any of the provisions of an Act of Parliament referred to in this sub-section, the amendment would be clearly out of order. The Army Act, which is an Act of Parliament, has been brought to the notice of the Chair and both the Honourable the Law Member and the Army Secretary have relied on section 71 of that Act. Their contention is that the amendment of Sir Abdur Rahim will affect section 71 of the Army Act. The Chair accepts the argument of the Honourable the Law Member that "affecting" means affecting in any sort of manner and not necessarily affecting prejudicially. Let us look into section 71 of the Army Act on which reliance has been placed. That section runs as follows :

"For the purpose of removing doubts as to the powers of command vested or to be vested in officers and others belonging to His Majesty's forces, it is hereby declared that His Majesty may, in such manner as to His Majesty may from time to time seem

[Mr. President.]

meet, make regulations as to the persons to be invested as officers, or otherwise, with command over His Majesty's forces, or any part thereof, or any person belonging thereto, and as to the mode in which such command is to be exercised."

What the Chair has to decide is whether the amendment of Sir Abdur Rahim would in any manner affect section 71 which the Chair has just read out. Now, the purport of section 71 is to vest in His Majesty the King the power of making regulations to regulate the command of officers. It has not been contended either by the Honourable the Law Member or by the Army Secretary that the purport of this section 71 is to vest that power exclusively in His Majesty the King. The interpretation that the Chair puts upon the section is this. Unless there is any provision to the contrary in a Local Act, His Majesty the King may frame regulations to provide for the command of officers ; or where there are positive provisions in a Local Act, His Majesty the King may override those provisions and make fresh regulations. That, in the opinion of the Chair, seems to be the interpretation of section 71 of the Army Act. If the purport of section 71 is to say that no one except His Majesty the King shall make any rules to define the command of officers, then the contention of the Honourable the Law Member would be right in the light of section 65 (2) of the Government of India Act. But that is not the interpretation that can be reasonably placed on section 71. By incorporating in this Bill the amendment of Sir Abdur Rahim, this Legislature will not, and in fact cannot, in any way interfere with the power of His Majesty the King vested by section 71 of the Army Act. If the House agrees to the incorporation of this amendment, the result, in the opinion of the Chair, seems to be this ; if no fresh regulations are made by His Majesty the King under section 71, then the powers of command with regard to the Indian Commissioned officers will be regulated by this amendment of Sir Abdur Rahim. But it would be open to His Majesty either to alter or over-ride the provisions contemplated in the amendment of Sir Abdur Rahim. For all these reasons, the Chair must hold that the amendment of Sir Abdur Rahim is in order. (Applause.)

**Sir Abdur Rahim :** Sir, the House realise that the ruling that you have just given is extremely important not only so far as this Bill is concerned but that it is likely to affect any such questions that may arise with respect to other Bills in this House of a similar nature.

Sir, on the merits, I spoke yesterday at great length and I do not desire to repeat any of the arguments which I advanced then. This amendment being within the power of the Legislature, I do ask the Army Secretary, as representing the Army Authorities in India, to accept this amendment, as I do not think he will dispute the fact that it is extremely undesirable to make any sort of distinction between the Indian Commissioned officers and the British officers as defined in the Act. If he agrees with me that it cannot be desirable in the interests of the efficiency of the army, which after all is the paramount consideration, then I do say to him that he cannot but accept this amendment, the only object of which is to give the Indian Commissioned officers, who have been created by this Act, the same opportunities as the British officers enjoy at present. I did not hear throughout the speech of my Honourable and gallant friend one word to the effect that on the merits there is any objection whatever to this amendment. Now, that the legal difficulty has been brushed out of the way, I do ask, in the interest of the

efficient and harmonious working of the Indian army, that he should accept this amendment and make no other difficulty whatever.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That clause 5 of the Bill be re-numbered as clause 5 (1), and after the clause so re-numbered the following new sub-clause be inserted :

‘ (2) after section 7 of the said Act, the following section shall be inserted,

Insertion of new section namely :

7A in Act VIII of 1911. -

‘ 7A. The status and opportunities for promotion and power of command, rank and precedence of the Indian Commissioned Officers in the Indian Army shall be the same as that of the British Officers in the Indian Army in all units and formations ’. ”

**Lieut.-Colonel Sir Henry Gidney** : Sir, I rise whole-heartedly to support this amendment. My reasons are the same as were so ably adduced by my Honourable friend, Sir Abdur Rahim, yesterday. Sir, the Army Member, who has presented this Bill with great sympathy and concern for the future of the Indian officer as he is to exist under the new Act, has assured this House that since neither the Army Act nor the Indian Army Act cover the powers of command, and since these are to be found under power given in section 71 of the Army Act, the matter of equality of status between the Indian Commissioned officer and the British officer will be regulated by His Majesty's Government. Now, Sir, I think no one in this House has any reason to doubt the credit, the depth of feeling or the sincerity of the Army Member, for in all his dealings with this House, I think all sides will agree with me, he has put matters before us always in a fair and square manner. (Applause.) And in my mind I have no doubt that the Army Secretary will carry out his assurance or see that it is carried out to the satisfaction of the House. But, Sir, the question is this. Let me try and put a picture before the House. Let us take a small military station consisting of two Indian units and one British unit. I am now discussing that special part of the amendment regarding the word “ formations ”. Here is a mixed formation of troops and an officer must be appointed as officer commanding that station. Hitherto, there has been no difficulty, because the officer commanding the Brigade or the Division generally selects the senior officer, if efficient, whether he belongs to the Indian unit or the British unit. Now, with the introduction of the new Indian Commissioned officer, there is just the possibility, as Sir Abdur Rahim said, of,—I will not call it the “ inferiority ” or the “ superiority complex ”—let me call it the mid-complex, or, as I was reported to have said in the shorthand proceedings of the Sandhurst Committee “ mid-complexion ”. The question here arises, will the Senior Indian Commissioned officer be selected ? In my mind there is a definite doubt as to whether there will be an equality of status ; and I submit, Sir, as a member of the Committee who sponsored the Military Academy of Dehra Dun and speaking on behalf of Anglo-Indians and Domiciled Europeans whose sons enter this Academy, I cannot for the life of me see why, if this assurance is given to us, there should be any doubt in the mind of Government or there should be any delay in now announcing on the floor of this House that there shall not be any difference in the status. I do not say for a moment that Indian Commissioned officers who enter the army today will be as equally disciplined and learned in the art of warfare as

[Lieut.-Colonel Sir Henry Gidney.]

experienced British officers—possibly we have lost it in India for a little while. But I do submit that, if Government are going to give Indians a chance to learn the art of defence or eventually going to give India the control of its own defence and help her along the path of complete self-government, it must make a serious and honest effort today, and at the outset there must be no difference whatever between the British and the Indian officers in the Indian Army. Sir, supposing there is to be any difference, surely this House will not for a moment tolerate it. I certainly would not vote for it, because I am very emphatic on this point that there must be no camouflage in this effort. It must be a serious, complete, honest and entire effort, as I know the Army Secretary intends it to be. But there is a doubt, and the doubt certainly exists, as I brought out just now, in my question to the Army Secretary, in the question of the command of mixed formations. Our memories are not dull : we remember some years ago, in this very House, this very question was debated, and our friend, Mr. Jinnah, was here and our late lamented friend, Colonel Crawford, was also here. We know what transpired in that discussion, and, I believe, without any doubt that there does exist a belief in the mind of the British officer, and this is the crux of the impasse, that he will not serve under an Indian officer. There is no need to camouflage it. Let us frankly admit it. The Government must either encourage it or discourage it ; and the only way to discourage it and to instil confidence in the minds of the youth of India so as to encourage them to join the Army which will ultimately be the army by which we shall defend India, an absolute sense of equality, i.e., there will be no difference in status or treatment between the Indian Commissioned officer and the British officer, just as no difference exists between British officers of the Indian Army and British armies today especially as regards formations mixed or unmixed. With these few words, and with the full assurance that I know the Army Secretary will do his best, I would ask him in his reply to repeat his assurance. I know he cannot give a pledge, because he is not in a position to do so, but I want him to reiterate that assurance in unequivocal terms that there will be no difference between the British and the Indian officer : If I may say so, your ruling, Sir, on the objection raised by Government will, I think, stand out as a classic ruling, and if you will pardon me saying so, it is one of the most perfect rulings that have been given in this Honourable House within the last thirteen or fourteen years that I have been a Member of this House. In my mind I feel convinced that your ruling was certainly the correct one and I only hope that this House will support this amendment. If not, you might just as well scrap this Army Act. There is no use introducing an Army Act that will make much more of a British officer than of an Indian officer and create individual differences. Let them all in equality be officers of His Majesty the King and of His Army. (Cheers.)

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, even a worm will turn, and I find my gallant friend, Sir Henry Gidney, a great supporter of the Government, is turning against the Government. I was glad to hear from my Honourable friend, Colonel Sir Henry Gidney, that he spoke on behalf of the Europeans also—he assured us that the Europeans are in agreement with the views expressed by Sir Henry Gidney on the floor of the House. That makes my task a little

easy. I would not go so much for the dishonesty of the Government as I would otherwise have gone ; but I would like my Honourable friends from the European Benches to make it clear that they are in agreement with my Honourable friend, Colonel Sir Henry Gidney. I see, Sir, they are in agreement. When I was listening to the Honourable the Law Member, I was reminded—I was then not a politician in the beginning of the Montagu-Chelmsford reforms period—of how the Civil Service revolted against serving under Indian Ministers. When I heard the very sympathetic speech of my gallant friend, Colonel Lumby, I find the whole thing that is agitating—that is not only at the back of the mind of the gallant Colonel, but of the whole British forces practically,—is that they will not serve under an Indian Officer. Sir, I congratulate you on that excellent and, as my Honourable friend, Colonel Sir Henry Gidney, pointed out, classic ruling ; but when I heard the arguments on the Government side, I felt what is the use of the Army Secretary coming to this House and asking us to pass this Bill ? Why does he not ask His Majesty the King Emperor to pass an Ordinance or frame regulations by which a few Indian boys will be made into Indian Commissioned officers ? If the Government is going to oppose this amendment—I do hope they will have more common sense and that better sense will come to the Army Secretary, the Army Council in India and the British Army Council. But I do hope if the Army Secretary cannot make up his mind today, let him follow the precedents of other Government measures ; when Government have not made up their mind they have taken time ; let him take time and let him consult the Army Council in India and let him consult the War Office ; let him consult also the British Cabinet ; but let them not be hasty today. I shall not say now what I wanted to say : I shall reserve that to a subsequent stage and, if I find that the Government do not use their common sense and agree to the unanimous opinion of this House, I will have to oppose this Bill.

**Mr. Muhammad Yamin Khan** (Agra Division : Muhammadan Rural) : Sir, we have got a very simple question before us and that question is whether by this Act the Army Secretary and the Government want to create a body in the Indian Sandhurst equal in efficiency and equal in merit to that what they have been providing by English Sandhurst or not. If the intention is to give the same training as is given at Sandhurst and if the boys are going to be brought up in the same spirit as the boys in England are brought up, then there is no other way but to give them the same status. If the intention of the Government is not to give them the same training as is given at Sandhurst, then I would rather chuck off the whole of this scheme of Dehra Dun. If this school at Dehra Dun is going to serve the purpose and the intention is sincerely to teach and bring the boys in India with the same training as is given in England, then the distinction of colour and race has got no force whatsoever. There was a time when we had neither District Magistrates who were Indians nor Commissioners in Provinces who were Indians ; but now, in the last few years, we have seen that there have been Indians who have held the office of Governor with great credit and they have discharged their duties in most satisfactory manner. In military service, the Indians have always been exemplary and Indian officers and Indian regiments have discharged their duties during the war with such great efficiency. Indians also lead



[Mr. Muhammad Yamin Khan.]

British troops at the time of emergency and in the battlefields of Iraq, Palestine, Syria and France have rendered great services. Then, what is here that makes the Indian to be deemed as inferior to a British officer in the same rank? I would point out that if a Major who comes from Dehra Dun is to serve under a Captain who comes from Sandhurst, or a senior Captain coming from Dehra Dun is to serve under a junior Captain who comes from Sandhurst, if an Indian is to be treated like this, then it would mean a great deal of danger in the army. If an Indian officer is to be discouraged like this, then it will mean a great danger to the army, because the same brotherly feelings and comradeship, which at present exist in the British army, will never remain there, and that is a very great danger, and I would warn the Government that they should take note of this fact. There should exist the same brotherly and friendly feelings between British and Indian officers as between British and British officers in the army. They must all feel that they are equals, and there should be no inferiority complex, because once this inferiority complex is put into their minds, then co-operation, which is so essential for the efficient working of the army, will cease to exist. Therefore, I feel that I need not say much on this subject, which is a very simple but vital matter. I hope the Army Secretary will accept it. Sir, I support this amendment.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, on behalf of Government, I am quite prepared to accept the suggestion put forward from the other side that Government should have time to consider their position in regard to this amendment. If you, Sir, are prepared to agree to that, I venture to suggest that we might leave further discussion on this matter to a future date.

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muham-madan Rural) : Sir, I wish to point out that the Majority Report of the Select Committee state here :

“ But we are assured that Regulations are being framed by His Majesty's Government.”,

and so forth. So far as the merits of the question are concerned, some assurances were given.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Government have asked for time. Has the Honourable Member, Sir Abdur Rahim, any objection?

**Sir Abdur Rahim** : We have no objection.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : As there is no more business for the day, we may adjourn the House now.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 16th August, 1934.



# **CORRIGENDUM.**

In the Legislative Assembly Debates, dated the 23rd July, 1934, Vol. VI, No. 5, page 486, in the tabular Statement laid on the table in reply to starred question No. 182, for the entries relating to the Education, Health and Lands and the Home Departments, *substitute* the following :

Education, Health and Lands.	4	200—15—365 E. B. 380—15—500 (First Division). 100—8—300—25—350 (Second Division). 60—2—80—3—95 E. B. 3—125 (New scale of the Routine Division).	260   244 164 64	All these men are working in the Imperial Secretariat Library which is under the administrative control of the Education, Health and Lands Department.
Home .. ..	.. ..	.. ..	.. ..	....



## LEGISLATIVE ASSEMBLY.

*Thursday, 16th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred questions Nos. 12 to 15 asked by Seth Haji Abdoola Haroon on the 16th July, 1934.*

#### GRIEVANCES OF THE PRINCES OF THE MOGHUL DYNASTY.

No. 12.

(a) Yes ; a copy\* with translation is enclosed.

(b) The reply is in the negative, except (1) that a few descendants of the *ex-Royal* family of Delhi receive monthly pensions of Rs. 5 or Rs. 6 ; (2) that a stipend of Rs. 6,000 was granted to Mirza Sulaiman Shikoh by Nawab Asafuddaulah which was later secured on the interest of the first Oudh loan taken from King Ghazi-ud-din Hyder. The principal of this stipend, namely, Rs. 12 lakhs, was repaid in 1838 when Mirza Sulaiman Shikoh died. No provision therefore exists for the continuance of the stipend ; and (3) that the assignment of Rs. 76 lakhs made by Nawab Saadat Ali Khan Bahadur was in consideration of the subsidy payable for the maintenance of a military force. A portion of the subsidy, *viz.*, Rs. 2,04,000 was intended to provide for the maintenance of the Benares branch, and pensions are still being paid subject to the Oudh pension rules.

(c) Does not arise.

#### *Troubles of the Princes of the Moghul Dynasty.*

#### *Appeal to the British Government and the public.*

During the reign of the renowned (Kingdom of the) Moghul dynasty in India there was no community which did not receive favours. Hundreds of Hindu *Mahants*, Rajas and Maharajas as well as Muslim *Moulvis* and members of Nawab families are even today deriving benefit from (its) generosities). It is, however, deplorable that noble ladies and princes of that very dynasty are today not only passing their lives in obscurity but are also ashamed to own themselves as members of that dynasty. Some members of this dynasty receive pensions of Rs. 5 or 6 per mensem for their subsistence from the charity fund, while many do not receive even this. Some members of this dynasty sell vegetables, while some have opened *pan* and cigarette shops. There are also a few who maintain themselves by plying trollies but their sense of self-respect does not allow them to live upon the gift of the public or Government or to be supported out of the charity fund.

God be praised ! the notable *rais* of Oudh, Nawab Humid Husain Sahib, Khan Bahadur, Taluqdar of Lucknow, has for the last one year been striving for the prosperity and well-being of (the members of) this dynasty. The members of the United Provinces Legislative Council and of the Legislative Assembly have also drawn the attention of the British Government to it and probably a deputation consisting of Hindu, Muslim and Christian members of the Legislative Council will wait upon His Excellency Sir Malcolm Hailey, the Governor of the United Provinces. It is, therefore, necessary that the public and the members of the Legislative Council should very carefully go through the agreements with the British Government.

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\*Not printed in these debates.

( 1549 )

English officials who come to India these days remain isolated from us even though they may not despise our civilization and culture. But there was a time when English officials preferred even their graves to be made in this country. (They) used to contract marriages in exalted royal families and gave their daughters in marriage to the princes. For instance, Mirza Ali Tahir Sahib, who was the grandson of the last Emperor of India, was married to the grand-daughter of Colonel Garren (sic.) and General Martin married a *begum* of Oudh. Two daughters, named Sally Begum and Peggy Begum, were born to General Martin by this very *begum*. Sally Begum was married in Lucknow to Mirza Muzaffar Bakht, who was the eldest son of Mirza Sulaiman Shikoh, the prince of Delhi. The Committee of Waqfs should ponder (over this).

The tomb of Sally Begum lies in Barudkhana, Golaganj. The municipality has now laid out a park over the garden attached to this tomb. The tomb of Peggy Begum lies on the Latouche Road at the place where Duke Company is situated now. The *Kothi* in which Munshi Elitisham Ali Sahib, Rais of Kakori, now resides in Khyaliganj belonged to Sally Begum and the building in which Mumtaz Darul-Yatama of the Bagh of Gungay Nawab in Aminabad is located was the tomb of Prince Mirza Sikandar Shikoh of Delhi. English officials had recommended some princes who had come from Delhi to the Nawab Viziers of this place (Lucknow). One of the princes purchased the "Terhi Kothi", near the Chief Court, from an Englishman for his residence and this very prince later on shifted to the *kothi* near Sikandar Bagh, as a mark of which (*kothi*) a beautiful gate still stands near the place where the grave of Englishmen and also the Sinkandar Bagh are to be found now. The Terhi Kothi and the Sikandar Bagh are now in the possession of Government. It is hoped that when evidence is recorded by the Waqfs Committee at Naini Tal light would be thrown on the properties which are in the possession of Government or other persons. All the tombs or Imambaras of Nawab Viziers in Lucknow are very big and spacious. Hence they remained safe and no one could gain permanent possession over them. But these princes of Delhi were our respected guests. Their tombs were small. They were strangers. The Waqfs Committee should, therefore, make correct inquiries about their properties wherever they may be found in our province of United Provinces. As the members of the ex-royal dynasty of Delhi have, in order to remove their troubles set up an Anjuman in Lucknow, known as the Ale Taimur Association, of which the Deputy Commissioner is the patron, I appeal to Hafiz Hidayat Husain, the leader of the Waqfs Committee, and to Moulvi Fasihuddin to give an opportunity to the Anjuman Khandani-Jahandar Shah, Benares (and) the Ale Taimur Association, Lucknow, also to give evidence before it.

There are properties of the princes of Delhi in Lucknow and the Municipality realizes house-tax on them. It is therefore the duty of the Municipal Board to help (the members of) this dynasty, who are living in our city as our respected guests. If their properties cannot be returned to them at least some favour in one form or another should be shown to them.

Mirza Sulaiman Shikoh, the prince of Delhi, had settled in Lucknow. Bahu Begum, the mother of Nawab Asafud-Daulah Bahadur, had made provision for their maintenance. The Government had taken a permanent loan of one crore, eight lakh and fifty-thousand rupees at 6 per cent. per annum of which mention is made in the Book of Treaties, Part II, page 158, along with a statement (sic.). The first name is that of Prince Mirza Shikoh (and it is stated) that he should receive a pension of Rupees six thousand per mensem out of the interest thereon. As the princes had permanently settled (in Lucknow) as guests, the Kings of Oudh known as the Nawab Viziers had, on their own behalf, settled another pension of rupees six thousand (per mensem). In this way the princes received a pension of rupees twelve thousand per mensem, and it is mentioned in the treaty that the pension derived from the interest on this loan would be paid permanently so long as the British Government lasts. This treaty bears the signature of His Excellency Robert Honourable (sic.) Governor-General and G. Bailey, the Resident. It was made on November 14, 1814. The interest on the whole amount comes to rupees fifty-four thousand and two hundred per mensem or to rupees six lacs and fifty-one thousand per annum. Full details about it are to be found in the treaty under which the loan was taken in the name of the Honourable East India Company. Bahu Begum Sahiba had made a mention of the pension of princes of Delhi in other treaties also. The Emperor of Delhi had adopted Bahu Begum, the mother of Nawab Vizier Asafud-Daula, as her daughter and on the occasion of her marriage the Emperor of Delhi had sent a marriage present comprising twenty-two camel-loads of jewellery. Now

that the members of that dynasty are involved in great distress and trouble they are demanding back their money which is still in deposit. They do not want to impose any new burden on the State treasury. They only want to support the members of their family out of the interest of that money. But their demands are not at all attended to and even their representations and memorials are not forwarded to the higher authorities. At the very most the Commissioner gives them what reply he chooses. On realizing this difficulty they have set up a regular Anjuman of their own, which is demanding its representation in the provincial council as well as in the Legislative Assembly in order to make its voice heard by the Government and the Parliament.

Mirza Jahandar Shah, who lives in Benares, was the eldest prince of Delhi. As he was the eldest prince it was stated in the treaty made by Nawab Vizier Sa'adat Ali Khan of Oudh that villages in Azamgarh, Gorakhpur, Farrukhabad and Allahabad districts yielding an annual income of 76 lakhs may be set apart for his maintenance so that his whole family may be supported thereby in perpetuity. A permanent pension of Rs. 23,638 per annum was fixed for the maintenance of that branch of the family which had migrated to Farrukhabad. This is also mentioned in detail in the treaty. This treaty which was made on November 15, 1801, bears the signatures of Mr. N. B. Edmonstone, Secretary to Government in the Political Department, Mr. Henry Wellesley and Lieutenant-Colonel Scott--*vide* Book of Treaties, Volume II, page 121. This treaty was ratified by the Governor General himself on the bank of the Ganges in Benares on November 14, 1801 (*sic.*). But the condition of the princes belonging to the family that had settled in Benares is very bad. Those who had orderlies and batteries in their retinue are now on the verge of starvation and the wonder is that they have been ignored in spite of their loyalty to Government. No regard was shown for this family even at the time of the Simon Commission, the Lothian Committee and the Round Table Conference. There are five hundred descendants of the *ex-royal* dynasty of Delhi in this province and they have also got two regular organizations of their own. Mirza Mohamud Sirajuddin Bakht Bahadur is the president of the Anjuman at Benares and Prince Mirza Md. Sultan Shah Bahadur is that of the Lucknow Anjuman. The latter is descended from Prince Mirza Shikoh while the former from Mirza Jahandar Shah. It is hoped that the British Government and the public will pay due consideration to the matter.

Quadratullah Siddiqi,

Founder of the Anti-Anarchist League,  
Lucknow.

#### PENSIONS PAID TO THE MEMBERS OF THE OLD ROYAL FAMILY OF DELHI.

No. 13.

A very few of the pensioners are in receipt of pensions of Rs. 5 or Rs. 6 per mensem. Most of the pensions are paid from Central Revenues but in a few cases, compensation pensions are paid representing the interest on the value of the properties sold by the pensioners.

#### LOAN TAKEN BY GOVERNMENT FROM THE LATE BAHU BEGUM, MOTHER OF THE LATE NAWAB VAZIR ASAFUDDOWLAH.

No. 14.

(a) No.

(b) I would refer to the answer given to part (b) question of No. 12. The other parts of the question do not arise.

#### MONEY EARMARKED BY A VAZIR OF OUDH FOR THE PENSION OF PRINCE JEHANDAR SHAH'S DESCENDANTS.

No. 15.

(a) Yes. The date of the treaty is 1798.

(b) Yes, *vide* list enclosed.

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*List of Members of the Ex-Royal Family of Delhi drawing Pensions or Compassionate Allowances.*

(I) *From the Lucknow Treasury.*

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
1	1799	Alamara Begam .. ..	7 4 8	
2	..	Achchhey Mirza .. ..	12 9 8	
3	1570	Banno Begam .. ..	8 6 9	
4	..	Fatma Sultan Begam .. ..	16 10 8	
5	..	M. Faredun Qadar .. ..	22 10 8	Transferred to Benares.
6	2746	Nurjahan Begam .. ..	250 0 0	
7	1047	Sipehrbano Begam .. ..	5 0 0	Compassionate allowance.
8	1569	Shah Hasan Mirza .. ..	16 13 8	
9	1956	Shah Husain Mirza .. ..	16 13 8	
10	..	Sultan Begam .. ..	8 6 10	
11	2107	Sughra Begam .. ..	6 6 5	
12	..	Zohra Begam .. ..	7 0 0	
13	2423	Gauhar Shah .. ..	5 0 0	Compassionate allowance.
14	2378	Sikandarbakht <i>alias</i> Babhan Saheb	11 14 5	
15	..	Gauhar ara Begam Sarkabza ..	17 0 0	
16	C. P. L. 275	Shaukat ara Begam .. ..	17 0 0	
17	2728	Farukh Shah .. ..	5 0 0	Compassionate allowance.
18	..	Sultan Jahan ara Begam .. ..	9 0 0	
19	..	Shamsuzzaha Begam .. ..	10 0 0	Compassionate allowance.
20	2595	Intiazi Begam .. ..	12 1 2	
21	C. P. A. 92	Qurishia Begam .. ..	10 13 4	
22	2727	Asmanqudar .. ..	9 4 0	
23	C. P. L. 353	Zihosh Qadar .. ..	9 4 0	

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
24	C. P. A. 31	Muazzam Bakht .. ..	5 0 0	Compassionate allowance.
25	C. P. A. 32	Bahadur Bakht .. ..	5 0 0	Ditto.
26	C. P. A. 33	Ahmad Bakht .. ..	5 0 0	Ditto.
27	C. P. A. 98	M. Azam Qadar .. ..	5 0 0	Ditto.
28	C. P. A. 97	Maryam Jahan Begam .. ..	5 0 0	Ditto.
29	C. P. L. 123	Ali Raza Khan under the Sarkabzi of Ata Husain Khan. .. ..	2 4 3	
30	C. P. L. 154	Falak Qadar .. ..	13 1 5	
31	C. P. L. 155	Azam Qadar .. ..	13 1 5	
32	C. P. L. 277	Sultan Husan Jahan Begam ..	5 0 0	Compassionate allowance.
33	C. P. L. 280	Mohd. Sultan Shah .. ..	5 10 0	
34	2487	M. Baland Qadar .. ..	7 4 0	
35	1288	Aftabuzzamani Begam .. ..	5 10 9	
36	2685	{ Ahmad Mirza Sarkabz .. .. Akhtar Mirza .. ..	5 0 0 5 0 0	Compassionate allowance. Ditto.
37	798	Masooma Begam .. ..	20 0 0	
38	..	Akhtar Bakht <i>alias</i> Aktar Mirza for the support of his minor children (for 5 years) in the first instance..	5 0 0	Compassionate allowance.

(Sd.) S. ZAMIN HUSAIN,

Wasika Officer.



*List of Members of the Ex-Royal Family of Delhi drawing Pensions or Compassionate Allowances.*

(II) *From the Benares Treasury.*

Serial No.	P. P. O. No.	Name of pensioner or Sarkabz.	Amount of monthly pension.			Remarks.
			Rs.	A.	P.	
1	3384	Mst. Mehr Sultan Begam ..	50	0	0	
2	3385	M. Moinuddin Bakht ..	10	0	0	
3	3386	M. Kamaluddin Bakht ..	10	0	0	
4	3459	Mirza Zahid Bakht ..	33	5	4	
5	3955	Mst. Ahsanara Begam ..	30	0	0	
6	3959	Mst. Akhtari Sultan Begam ..	25	14	0	
7	3992	Mirza Zahid Bakht ..	6	11	0	
8	4009	Mirza Ejaz Bakht ..	16	0	0	
9	4015	Mirza Shahood Bakht ..	7	4	0	
10	4016	Mirza Asad Bakht ..	7	4	0	
11	4017	Mirza Babar Bakht ..	7	4	0	
12	4019	Mirza Khurd Bakht ..	7	4	0	
13	4020	Mst. Gauhar Sultan Begam ..	40	0	0	
14	4021	Mirza Moinuddin Bakht ..	80	0	0	
15	C. P. L. 538	Mst. Amna Sultan Begam ..	8	0	0	
16	C. P. A. 54	Mirza Jalaluddin Bakht ..	44	8	0	
17	C. P. A. 74	M. Fahimuddin Bakht ..	2	8	0	
18	C. P. A. 118	Mst. Amina Sultan Begam ..	10	0	0	
19	C. P. L. 163	Mst. Quraisha Sultan Begam ..	39	3	3	
20	C. P. L. 236	Mst. Aiwan-unnisa Begam ..	7	0	0	

Serial No.	P. P. O No.	Name of pensioner or Sarkabz.	Amount of monthly pension.	Remarks.
			Rs. A. P.	
21	C. P. L. 263	{ Wajiha Sultan Begam .. .. Zakia Sultan Begam .. .. Razia Sultan Begam .. .. }	{ 9 0 0	
22	C. P. L. 266	Mst. Ruquia Sultan Begam ..	5 0 0	
23	C. P. L. 267	Mirza Ejaz Bakht .. ..	10 0 0	
24	C. P. L. 269	Mst. Ayesha Sultan Begam ..	12 0 0	
25	C. P. L. 270	Mst. Fatima Sultan Begam ..	12 0 0	
26	C. P. L. 276	Mirza Fakhruddin Bakht ..	8 0 0	
27	C. P. L. 255	Mst. Alamara Sultan Begam ..	15 0 0	
28	C. P. L. 345	Mst. Fahium-nisa Begam ..	8 0 0	
29	C. P. L. 361	Mirza Shahdyar Bakht .. ..	6 0 0	
30	C. P. L. 362	Mirza Fazaluddin Bakht .. ..	32 0 0	
31	C. P. L. 363	Mirza Wahiduddin Bakht ..	32 0 0	
32	C. P. L. 364	Qaisar Sultan Begam .. ..	15 0 0	
33	C. P. L. 366	Mst. Majida Sultan Begam ..	7 11 2	
34	C. P. L. 367	Mst. Hafiza Sultan Begam ..	7 12 2	
35	C. P. L. 368	Mst. Halima Sultan Begam ..	7 11 2	
36	C. P. L. 369	M. Zubairuddin Bakht .. ..	10 10 0	

Serial No.	P. P. O No.	Name of pensioner of Sarkabz.	Amount of monthly pension.	Remarks.
37	C. P. L. 377	Mirza Sirajuddin Bakht .. ..	51 11 9	
38	C. P. L. 379	<div> <div> Mst. Wajia Sultan Begam .. ..</div> <div>Mst. Zakia Sultan Begam .. ..</div> <div>Mst. Razia Sultan Begam .. ..</div> </div>	6 0 0	
39	C. P. L. 389	Mirza Munawar Shikoh .. ..	5 5 0	
40	C. P. L. 399	Mirza Aminuddin Bakht .. ..	6 0 0	
41	C. P. L. 412	Mirza Mohd. Baqar Ali Khan ..	15 0 0	

(Sd.) S. ZAMIN HUSAIN,

Wasika Officer.

*Information promised in reply to starred question No. 226, asked by Mr. Bhuput Sing on the 25th July, 1934.*

#### ACQUISITION BY THE EAST INDIAN RAILWAY AUTHORITIES OF LANDS ATTACHED TO HINDU PLACES OF WORSHIP AT AZIMGANJ.

Enquiries have been made from the Agent, East Indian Railway, and the facts are as follows :

There are two shrines on railway land at Azimganj—one is situated near the landward boundary of the Railway and the other near the ferry ghat on the river bank. These two shrines came into existence, as far as can be traced, in 1920 whereas the land on which they stand was acquired by the Railway in 1897. Thus, the shrines erected on railway land are clearly encroachments. As, however, they have been in existence for several years, the limits of one of the shrines have been demarcated by the Railway and access allowed thereto. Round the other shrine at the ferry ghat too a fence has been erected. The area enclosed measures 32' x 31'. It is proposed that these shrines should be allowed to remain on condition that no further shrines are erected. In addition to these two, early this year, two new shrines appeared within the railway land, between the Railway line and the river bank. It was proposed to remove these unauthorised shrines and on the occasion of the last *Chaitra-Sankranti* the civil authorities posted police to prevent access to the railway land at the boundaries adjoining the shrines. The District Magistrate held a meeting at Azimganj on the 17th April and it was decided at that meeting that these shrines should be removed. The idols were taken away by the local people.

*Information promised in reply to starred questions Nos. 250 and 253 asked by Seth Haji Abdoola Haroon on the 30th July, 1934.*

#### CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

No. 250.

(a) Abdul Samad Khan Achakzai was tried and sentenced to three years' rigorous imprisonment for offences committed under section 124-A, Indian Penal Code.

(b) (i) No.

(b) (ii) In view of the reply to part (a) above the question does not arise.

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#### TRIAL OF KHAN ABDUL SAMAD KHAN IN BALUCHISTAN.

No. 253.

The question of jurisdiction was considered in the course of Abdul Samad Khan Achakzai's trial, and it was decided that the Quetta Court had jurisdiction.

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*Information promised in reply to starred questions Nos. 277 and 278, asked by Mr. Bhuput Singh on the 30th July, 1934.*

#### HARDINGE BRIDGE ON THE EASTERN BENGAL RAILWAY.

277. (a) Some Rs. 50 lakhs have been spent to date and about Rs. 20 lakhs more remain to be spent.

(b) The answer is in the negative. The supply of stone is being made by twenty contractors; eight contractors are working at the bridge. These persons are unrelated so far as the Railway Administration is aware. All work is being done within schedule rates.

(c) The immense supply of stone has been arranged for under the tender system. The work at the bridge has been done without calling for tenders, the bulk of it by two contractors. When the Guide Bund was breached during the night last September and repairs were emergently necessary, there was no time to call for tenders, hence these two men, who were on the spot, were called upon to arrange for several thousand men. Having collected this large labour force, it was considered expedient to let them continue the work, which once started could not be stopped suddenly, as that would have imperilled the safety of the bridge. The two contractors had carried out extensive work on the Damukdia Bund, and it was imperative that only reliable and tried men should be engaged as the work was of immense magnitude and any failure on the part of the contractors would have endangered the scheme as a whole;

(d) Yes, this is already in vogue;

(e) The answer is in the negative. The major part of the work is measured by officers and petty works are measured by subordinates and checked by officers, in accordance with the Code Rules.

(f) Mr. Harvey is unmarried. Government are not aware that contractors provide him with any of the amenities referred to. Government do not propose to enquire into allegations of this sort unsupported by evidence.

(g) Yes, Government is aware of Mr. G. C. Bannerjee's article in the *Amrita Bazar Patrika*. They have already taken the best advice available.

(h) The Chief Engineer, as an inducement to the contractors to finish the work before the river was in flood, has promised them a bonus in the shape of an enhanced rate provided they complete the work by a given date. An inducement of this nature is a recognised practice.

### CONTRACTS FOR WORKS ON THE EASTERN BENGAL RAILWAY.

278. (a) Seth Toomal is a contractor on the Eastern Bengal Railway. Government have no information as to his antecedents ;

(b) The answer to the first part of the question is in the negative. Public tenders are nearly always called for for works on the Eastern Bengal Railway, unless the work is of such an emergent nature that it is impossible to do so ;

(c) The answer is in the negative. The original agreement was for Rs. 1,10,400 ;

(d) The answer is in the negative. Seth Toomal was rusticated due to the belligerent attitude he adopted in connection with the settlement of certain claims ; when he displayed a more reasonable frame of mind the orders regarding his rustication were cancelled.

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*Information promised in reply to starred questions Nos. 315 and 316, asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.*

### ACCOMMODATION PROVIDED FOR THE ASSESSEES IN THE INCOME-TAX OFFICES AT CUTTACK, CHAIBASA AND PATNA.

*Question No. 315.*

(a) and (b). I am enquiring into this matter.

(c) According to my information, the suggestion that demand notices, etc., are kept back for years is not correct. Some cases of delay in dealing with appeal cases have come to notice, but immediate steps were taken by the Commissioner to prevent recurrence.

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### SERVING OF DEMAND NOTICES OF INCOME-TAX IN BIHAR AND ORISSA.

*Question No. 316.*

(a) The required information is not available, and, as its compilation will entail enormous labour, it is regretted it cannot be supplied.

(b) No.

(c) Does not, therefore, arise.

(d) The required statement is laid on the table.

(e) According to the information at my disposal, the assertion in the first part of this question is not correct. The latter parts of the question do not, therefore, arise.

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*Statement showing the number of Demand Notices issued in each of the Income-tax Circles, Bihar and Orissa, after 1st March, 1934.*

Patna	..	..	..	..	..	..	40
South Bhagalpur	..	..	..	..	..	..	33
East Sonthal Parganas	..	..	..	..	..	..	28
Gaya	..	..	..	..	..	..	44
Shahabad	..	..	..	..	..	..	24
Monghyr	..	..	..	..	..	..	88
West Sonthal Parganas	..	..	..	..	..	..	16
Sadar Manbhum	..	..	..	..	..	..	10
Ranchi	..	..	..	..	..	..	55
Cuttack	..	..	..	..	..	..	53
Puri	..	..	..	..	..	..	17

Balasore .. .. .	13
Singhbhum .. .. .	10
Sambalpur .. .. .	31
Dhanbad .. .. .	26
Central Salaries Circle .. .. .	102
Hazaribagh .. .. .	52
Palamau .. .. .	13
Darbhanga .. .. .	4
Sitamarhi .. .. .	3
Saran .. .. .	12
Hajipur .. .. .	2
North Bhagalpur .. .. .	15
Purnea .. .. .	21
Champaran .. .. .	68
Sadr Muzaffarpur .. .. .	79

*Information promised in reply to parts (b) to (e) of unstirred question No. 24, asked by Mr. K. C. Neogy on the 31st July, 1934.*

#### BALANCE STOCKS OF COALS AND COLLIERIES CLOSED

(b) Approximately 650,666 tons. Precise figures are not available.

(c) 60.

(d) 24.

(c)	Year.	Collieries managed by European Firms.	Collieries managed by Indian Firms.
1930	.. .. .	7	54
1931	.. .. .	18	49
1932	.. .. .	9	49
1933	.. .. .	10	50

*Information promised in reply to questions Nos. 392 and 393, asked by Sardar G. N. Mujumdar on the 6th August, 1934.*

#### EXCHANGE OF COINS BY THE BOMBAY CURRENCY OFFICE.

*Question No. 392.*

(a) The Bombay Currency Office receives silver and nickel coins in sums of Rs. 100 or multiples of Rs. 100 and bronze and copper coins in sums of Rs. 50 or multiples of Rs. 50. Smaller amounts are freely received at the Imperial Bank of India, Bombay, which conducts Government treasury business at Bombay. Government have no information regarding the commission charged by private shroffs and Marwaris.

(b) No. These minimum rates apply only to Bombay, where they were introduced on grounds of administrative convenience.

(c) The existing arrangements have been in force for more than twenty years and have hitherto aroused no complaints locally.

### ISSUE OF COPPER COINS FROM THE BOMBAY CURRENCY OFFICE.

*Question No. 393.*

Attention is invited to the answer given to question No. 392.

*Information promised in reply to the starred question No. 396, asked by Bhai Parma Nand on the 6th August, 1934.*

### DELAY IN THE DELIVERY OF POSTCARDS, ENVELOPES, ETC., ADDRESSED IN HINDI IN THE PUNJAB.

(a) The reply to the first part of the question is in the negative. The second part of the question does not arise.

(b) Does not arise.

*Information promised in reply to starred questions Nos. 475 and 476, asked by Mr. Lalchand Navalrai on the 7th August, 1934.*

### ISSUE AND EXCHANGE OF COINS BY THE BOMBAY CURRENCY OFFICE.

*Nos. 475 and 476.*

Attention is invited to the answer given to question No. 392 asked by Sardar G. N. Mujumdar.

### THE BENGAL STATE-PRISONERS REGULATION (REPEALING) BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the following motion moved by Mr. Amar Nath Dutt on the 2nd August, 1934 :

“ That the Bill to repeal the Bengal State-Prisoners Regulation, 1818, be taken into consideration.”

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muham-madan Rural) : Sir, the Honourable the Mover of this motion, a fortnight ago, in a very elaborate and lucid speech, gave the history and the application of this century-old Regulation. I do not intend to cover the same ground, but I think I shall be discharging my duty in regard to a Repealing Bill if I only show that there is no further utility in having this measure on the Statute-book. I shall, first of all, deal with the very cogent and relevant speech of my Honourable friend, the Foreign Secretary. He said :

“ .....at least 75 per cent. of the objects of the Regulation are devoted to matters other than quelling internal commotion, and I think I am right in saying that probably some 75 per cent. of the use which is made of this Regulation at present is intended to serve those purposes and not the purposes of dealing with internal commotion.”

I agree with his first point that 75 per cent. of the object of this Regulation was really to deal with the preservation of tranquillity in the territories of Native Princes, the security of British Dominions from foreign hostility and maintenance of the alliances formed by the British Government with Foreign Powers. But as regards the latter portion, i.e., the 25 per cent. relating to “ internal commotion ”, and the use of the Regulation according to the percentage of the different objects of his statement, I think, are not correct. I have asked for specific figures and gave notice about ten days ago, and I expected some reply by this time....

**The Honourable Sir Henry Craik** (Home Member) : If I may interrupt my Honourable friend, I laid figures on the table in reply to a question yesterday, I think.

**Mr. S. C. Mitra** : That was not my point. In my question I wanted to know the classification according to different categories of objects of the Regulation.

**The Honourable Sir Henry Craik** : I laid a statement on the table showing the classification. I think there were 73, and of those, 46 were imprisoned for reasons of foreign policy and 27 for internal commotion.

**Mr. H. A. F. Metcalfe** (Foreign Secretary) : Might I explain that I never claimed complete accuracy for the figures ? I think, if the Honourable Member will work out the sum for himself, he will find that it is something like 70 per cent. and according to what I have said,—near enough.

**Mr. S. C. Mitra** : I accept the figures and I do not contend that they must be accurate to the very 75 per cent. But what I say is this. As my Honourable friend, Sir Hari Singh Gour, said, following the recommendation of the Repressive Laws Committee, if there is a necessity for maintaining this part of the Regulation, there should not be any objection, but the application of this old Regulation to deal with “ internal commotion ” has long ceased. It has been contended by my Honourable friend, the present Home Member, as well as by his predecessor in office, that for dealing with terrorism and communism they have enacted, and they had this House to agree to the enactment of laws, both Provincial and supplementary laws by this House, to deal with this kind of political crime. Now that we have made these legislations permanent, I think the necessity under the fourth category of “ internal commotion ” has ceased. Sir, it has been even admitted by the Honourable the Home Member, when we were discussing the case of Mr. Sarat Chandra Bose the other day, that the part which the Central Government plays in this connection is more or less the part of a post office. It is the Local Government in Bengal who are responsible and who finally decide as regards the detention and continuance of detention even of State Prisoners from Provinces....

**The Honourable Sir Henry Craik** : On a point of personal explanation, Sir. I never admitted that the Government of India merely acted as a post office. I made it quite clear that the responsibility lay with the Government of India but that it was entitled to consult Local Governments in the exercise of that responsibility.

**Mr. S. C. Mitra** : The ‘ usual responsibility ’, the general responsibility of the Government of India for the superintendence and control of the Local Governments lies certainly with the Government of India, but, I think, we on this side of the House understood that though technically the Central Government is responsible, yet the main responsibility of deciding these matters lies greatly or substantially with the Local Government.

**The Honourable Sir Henry Craik** : No, Sir. That is not correct.

**Mr. S. C. Mitra** : I shall be glad to hear from the Honourable the Home Member whether the few cases from Bengal as regards Regulation III so far as ‘ internal commotion ’ is concerned, cannot now be adequately dealt with under the laws that have been recently enacted,



[Mr. S. C. Mitra.]

whether they cannot deal with all these State Prisoners under the Bengal Criminal Law Amendment Act. I shall be glad to have some definite reply to that question. The other point of my Honourable friend, the Foreign Secretary, that he will be absolutely helpless to deal with the foreigners, I think, is not also correct. There are British Statutes which apply to India, and one is the Aliens Restrictions Act which says in section 1 :

“ His Majesty may at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, by Order in Council impose restrictions on aliens, and provision may be made by the Order.....”

for sending them out of the country, etc.

There are other drastic powers also. There have been Indian Acts also, such as the Foreigners Act of 1864, which empowers the Indian Government to deal summarily with undesirable foreigners by sending them out of India. So, Sir, I think even from the standpoint that was taken by the Honourable the Foreign Secretary, it cannot be said that the repeal of this old Regulation will make the Government of India absolutely helpless, but I concede that if there is still any necessity to deal with those special cases, the proper course for the Government should be not to rely on a Regulation of 1818, but to have a new Act passed by the Legislature or in any case they should not object to the fourth category of cases being deleted from this Regulation.

Sir, I wanted to refer only by way of reference to a remark of the Honourable the Law Member when he interrupted my friend, Mr. Lahiri Chaudhury. I read from the Law Member's speech reported on page 935 of the Debates. Mr. Lahiri Chaudhury was referring to the causes of some of these terrorist activities. This is what the Law Member said :

“ Is my Honourable friend aware that what is supposed to be her speech or defence has been taken *verbatim* from one of the older English trials. Only the names have been changed.”

I shall only refer to the statement of Miss Bina Das and let the House judge for itself how it can be a *verbatim* report of any speech in an English trial.

**The Honourable Sir Nripendra Sircar** (Law Member) : Will the Honourable Member allow me to explain ? I said “ speech for the defence ”. I was referring to Mr. S. K. Sen's speech which was taken *verbatim* from one of the State trials, with the names changed. I did not refer to Bina Das' statement. If it has been taken down like that, then it must have been a mistake. I said “ speech for the defence ”, not “ Bina Das' statement from the dock ”.

**Mr. S. C. Mitra** : I accept the Honourable the Law Member's statement, but as it is reported, it must be due to bad reporting. I have quoted from page 935, where it is said “ her speech or defence ”. In view of the Honourable the Law Member's statement, I have nothing more to say on that.

**The Honourable Sir Nripendra Sircar** : It must be “ speech for the defence ”.

**Mr. S. C. Mitra** : As regards some of the statements that were made even by the Honourable the Home Member about the connection of some of these detenus under Regulation III, I can only say that the privileges

that we enjoy in this House of immunity from suits, civil and criminal, help the Government side much more than the Opposition. The Honourable the Home Member the other day said that Mr. Sarat Chandra Bose was deeply involved in terrorist activities. Only yesterday, I read in newspapers that Mr. Bose, even from his confinement, has protested to the Government of India through the Government of Bengal as regards the utter falsity of these charges. Anybody who knows Mr. Sarat Chandra Bose or his brother, Mr. Subhas Chandra Bose, knows it full well that it is impossible for men of their character and the position they hold to entertain these views. It is absurd to think, except in police circles or amongst the officials who get all their information from police spies and give credence to their reports, that men like Mr. Sarat Chandra Bose or Khan Abdul Ghaffar Khan may be in any way connected with the terrorist or violent activities. Sir, as I have said, if there is any necessity to deal with "internal commotion" in the country, there are enough laws and rules in each Province for that purpose and there is no necessity to take recourse to this antiquated Regulation. Sir, on these grounds I support the motion of my friend, Mr. Amar Nath Dutt, for the repeal of this Regulation.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : If anything impressed me on the last occasion when the Honourable the Home Member made his maiden speech when speaking on this motion, it was the utmost candour and frankness with which he put forward his views. The Honourable gentleman told us as to what was happening in the other countries. He reminded us particularly about the methods that the Governments some of the European countries were taking to deal with their political opponents. I very much hope my Honourable friend took the opportunity of his leave to study the measures that were now taken in Europe and that he will very soon give this country and the Government of this country the benefit of his experience, and, if necessary, bring forward measures on those very lines. My Honourable friend referred, not merely to what was happening in Europe, but, also, to the steps the Americans are taking at the present moment for the purpose of disposing of what he described as the Public Enemy No. 1. I also hope that at least in this instance he will not think it derogatory to copy the Americans. Now, Sir, I do not think in view of the Honourable Member's sympathies with what is happening in Europe or steps that are being taken in Europe and America.....

**The Honourable Sir Henry Craik** : I have no sympathy whatsoever with what is happening in Europe or America.

**Mr. K. C. Neogy** : Then what was the object of my friend referring to those measures which have been taken in those countries ? He said these are the measures that are being taken by other countries. So you must not complain.

**The Honourable Sir Henry Craik** : May I make a personal explanation ? My only reference to America was to explain the phrase "Public Enemy No. 1" which I was not sure was familiar to Members of this House. I merely said that it first came into use in connection with that particular notorious gangster who was called Public Enemy No. 1. I did not express any approval either of his actions or the steps taken to dispose of him. Still less do I remember expressing any approval of action taken in countries in Europe to dispose of the opponents of the Governments

[Sir Henry Craik.]

now in power. I certainly did not express any such approval nor do I feel any such approval. In fact, the exact contrary is the case.

**Mr. K. C. Neogy :** That was the impression left on my mind.

**The Honourable Sir Henry Craik :** It is quite erroneous.

**Mr. K. C. Neogy :** I, therefore, thought he would not miss this measure, and, therefore, it is that I was going to support the particular motion now before the House. Now, I have really a good deal of sympathy with straightforward dealings of the character which my Honourable friend seems to promise in his future administration of the Home Department. My Honourable friend referred to Lord Morley and pointed out that these doctrinaire liberal politicians are after all great hypocrites because they do not practise what they profess. I also share in that contempt of these doctrinaire politicians ; these hypocrites, and I am a great admirer of the Die-hards, and may I tell my Honourable friend that I am a great admirer of his as well, because when we are dealing with the Die-hards, we at least know where we are ; we cannot say that when we deal with hypocrites of the type of Lord Morley. Now, my Honourable friend also gave us a very frank description of the procedure that was followed inside the Government of India Secretariat in regard to actions under measures of this kind. I know my Honourable friend referred to his experience of dealing with a somewhat similar measure in the Punjab ; but I take it, the procedure which he outlined as being appropriate to the occasion was also more or less the procedure that is followed in determining as to whether action was to be taken under this particular Regulation. My Honourable friend told us that action is generally taken on the report of some responsible police officers. But, as a result of certain interruptions, he had to admit that those responsible police officers have, in the ultimate resort, to depend upon the reports of spies and informers. I do not want to do any injustice to my Honourable friend, and, therefore, I should like to place just a few words from his speech before the House. " That information "—said my Honourable friend—" is given by methods which are necessarily secret and devious " (*Mr. Gaya Prasad Singh* : " Devious ? ")—yes, " devious, but to which I have myself on several occasions applied every possible test ". Now, the House will see the kind of test that perhaps was applied in these cases. My Honourable friend proceeded as follows :

" It is easy enough to say ' Ah, this man is a police informer, he is not worth anything ', but you *can* believe him when he makes a statement if you know that ninety-five per cent. of his previous reports are true, and when you can check up by actual past events or by information drawn from other sources that the report put forward is one which the informer could not have invented or could not have found out for himself, unless the events related had come to his own actual knowledge. "

Sir, that is, therefore, the ultimate foundation for the action taken by the Government in such cases. May I, therefore, take it that what the Government do, by way of discharging their responsibility in this matter, is to find out as to whether the particular informer had in the past given any information which turned out to be true ? That was the primary consideration in accepting the statement of the informer ; and as soon as that is established, perhaps there is hardly any hesitation on the part of the Secretary in the particular Department concerned to put his signature to a warrant which is required under an Act of this kind. Now this, I

take it, is the procedure which my Honourable friend considers to be perfectly correct and sufficient to meet the needs of the case, but, unfortunately for us, there was a rather hypocritical Viceroy who gave us an idea as to how *he* understood his responsibilities in the matter ; and I am going to place a few lines from a speech made by Lord Reading. He after all was a "professional lawyer", as my Honourable friend, Khan Bahadur Abdul Aziz, said the other day, and, it may be, that the procedure which he used to follow is, therefore, somewhat different from the procedure followed or rather approved of by the Honourable the Home Member.

**The Honourable Sir Nripendra Sircar :** What is that book ?

**Mr. K. C. Neogy :** The Assembly Proceedings, dated the 31st January, 1924. The *ex*-Viceroy, in his Address to this House, made a reference to the action that was taken under Regulation III of 1818 against several people in Bengal :

"After the arrests in Bengal were made"—said Lord Reading—"as you are aware, all the documents and evidence relating to each individual have been placed before two Judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience and of framing recommendations regarding each case. I shall myself re-examine the case of each man concerned with the greatest care in the light of the recommendations of the Judges in each case and with the assistance of their detailed scrutiny of the evidence and the documents."

Then he proceeded as follows :

"In this manner the greatest possible precautions will be exercised to secure that no individual shall run the risk of suffering injustice because of the gravity of a situation ; and his right to an impartial investigation of a charge will never be imperilled by the immediate necessity for measures of prevention."

Now, Sir, it is extremely strange, however, that while the Viceroy was making that statement, he was being guilty of an inaccuracy which came to light just a few weeks later in the course of several questions in this House.

**The Honourable Sir Henry Craik :** What was the date of this ?

**Mr. K. C. Neogy :** The speech which Lord Reading made was delivered on the 31st January, 1924 ; and, I think, it was on the 19th February, 1924—just a few weeks later—that it was admitted by the Government in reply to certain questions that when the Viceroy was referring to two High Court Judges as being entrusted with the scrutiny of these papers and this evidence, what was actually meant was "two District Judges". (Laughter.) Now, I have been here for these fourteen years, a Member of this House, and never before did I come across an inaccuracy of this description in a Viceroy's speech delivered to this House or elsewhere ! As is well-known, the Viceroy's speech is based upon notes, very elaborate notes perhaps, in some cases, prepared by the various Departments concerned, and, in this instance, therefore, I may take it, that it was the Home Department which was responsible for misleading the Viceroy in this manner. Now a few years later, on the 10th February, 1932, there were several questions relating to the detention of the late Mr. J. M. Sen-Gupta, and another very straightforward Home Member had to reply to these questions, I mean Sir James Crerar ; and when I put some supplementary questions to him, inquiring as to whether the papers relating to the arrest of Mr. J. M. Sen-Gupta were ever placed before any High Court Judge or any Judge whatsoever, he said that that

[Mr. K. C. Neogy.]

was not done, not merely that, but "there was no undertaking"—I am quoting his words—"to that effect and no such undertaking has been infringed". Then I put this question: "May I remind the Honourable Member of the speech delivered by Lord Reading in this House where he referred to that practice?" The reply was: "No, I am not aware of any such speech". Now, what are we to think of the Home Department, which is supposed to be the keeper of the conscience of the Government of India, in regard to the administration of Regulation III?

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Was not Sir James Crerar the Home Secretary at the time Lord Reading made his speech?

**Mr. K. C. Neogy** : I do not know. Now, the truth, after all, has come out from my Honourable friend that the materials before the Government are nothing more than the information supplied by an informer which has been endorsed by a responsible police officer. No further evidence of any kind, no scrutiny by any judicial officer or anybody, excepting perhaps the Secretary of the Department. But that is not what Lord Reading gave us to understand to be the procedure in such cases. Now, Sir, referring to the case of Mr. Sen-Gupta, I do not know, whether my Honourable friend will make the statement that he also was deeply involved in the terrorist conspiracy. Here, again, I must compliment my Honourable friend for being so very frank with this House, because, in my experience, never before has any Home Member ever given us any idea as to the nature of the charges against each individual who had been treated under Regulation III of 1918. All that we could get from the previous Home Members was that the detention was due to the circumstances stated in the Preamble of the Act. The Preamble of the Act, I may remind the House, runs as follows :

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with Foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection and the security of British Dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding or when such proceeding may not be adapted to the nature of the case or may for other reasons be inadvisable or improper."

So, on every previous occasion, we were merely referred to this Preamble when we asked for information as to the reasons that had led the Government to take action under Regulation III of 1918 in any given case, and it was left to my Honourable friend to give us a more definite information than was possible to be obtained from his predecessors. Now, Sir, my Honourable friend, Mr. Mitra, has already referred to the protest that Mr. Bose has lodged against the statement made by him to the effect that he was deeply involved in the terrorist conspiracy. I do not know what my Honourable friend's statement would be with reference to Mr. J. M. Sen-Gupta's detention under this Regulation III of 1918.

**The Honourable Sir Henry Craik** : I was not responsible for it.

**Mr. K. C. Neogy** : No, you are not. Of course, I do not expect my Honourable friend to have any great knowledge of things that were happening in Bengal when he was occupying a very responsible administrative post in the Punjab, but I may tell him that, so far as Mr. Sen-Gupta was concerned, he was arrested on board an Italian ship. When he had

returned from his stay in England and had reached the Bombay harbour, he was not allowed to land and a warrant under Regulation III of 1818 was served on him on board an Italian ship and that itself formed the subject-matter of several questions in this House. Now, Mr. Sen-Gupta was away for several months from this country and, as is well-known, he was a leading personality in the Congress circles in Bengal and had taken a very prominent part in the non-violent Civil Disobedience Movement. Nobody knew that the Government could have possibly any charge of any kind which could have justified action of this character, and as far as we know there was no objection taken to his trip to England either. I think he visited England in the autumn of 1931, and I may tell my Honourable friend that whatever his instructions may be about the nature of the charges against Mr. Sen-Gupta, justifying action under Regulation III of 1818, public opinion in Bengal will refuse to accept any statement to the effect that he was deeply involved in the terrorist conspiracy. He was essentially a man of peace and anybody who knew him would strongly repudiate any such suggestion. I expect that my Honourable friend's candour will permit him to make a statement with reference to Mr. Sen-Gupta just as he did with reference to Mr. Sarat Chandra Bose.

Now, Sir, I want to tell this House as to what the public in Bengal think to be the reason that impelled the Government to take such action. I am very sorry to have to refer to incidents that happened in the autumn of 1931 in Chittagong, but I can assure the House that I do not propose to go into the details of the incidents that took place there on Sunday, the 30th of August, 1931. Mr. Sen-Gupta, as many Members in this House know, belonged to Chittagong, and the incidents reported from there naturally agitated him more than they did anybody else. He was, therefore, responsible for convening a public meeting in Calcutta, which appointed a non-official Committee of Inquiry to go down to Chittagong and make an inquiry there and report about the incidents that were alleged to have happened there on or about the 30th of August, 1931. I should like to read out the names of the members of this Committee. They were as follows : Mr. Jatindra Nath Basu, a gentleman highly respected in Bengal. He is a Member of the Bengal Legislative Council and was also a Member of the Round Table Conference representing Bengal ; Mr. J. M. Sen-Gupta himself ; Maulana Akram Khan, a highly respected Muhammadan journalist of Calcutta ; Mr. B. N. Sasmal, a practising Barrister of Calcutta ; Mr. J. M. Das-Gupta, a very well-known physician practising in Calcutta ; Mr. T. C. Goswami, a gentleman whom the Honourable the Home Member will have the opportunity of meeting at Delhi next cold weather ; Mr. Satyananda Bose, a gentleman held in high esteem in Bengal ; Dr. Naresh Chandra Sen-Gupta, a very well-known Advocate and a Member of the Bengal Legislative Council ; Professor Nripendra Nath Banerjee, an educationist ; Mr. Nishith Chandra Sen, a very well-known practising Barrister in Calcutta ; and Maulvi Ashraf-uddin Chaudhury of Tipperah. Now, these gentlemen constituted themselves into a Committee of Inquiry. I do not propose to go through the whole report. My Honourable friend, the Home Member, will find it preserved in the Indian Annual Register, 1931, Volume II, which he will find in the Library of this House. Now, Sir, these are some of the findings recorded by this Committee. I am quoting them from the report itself :

" Monday's looting was with the knowledge of the local authorities and at the instigation of the Police. It was started and carried on under the protection of the Police.

[Mr. K. C. Neogy.]

In the Mofassil the disturbances took place under the orders from the local authorities.

Behind the disturbances which had been planned the motive was to terrorise the people, particularly the Hindus."

And the House must remember that there were two very responsible Muhammadan gentlemen associated with these findings.

**The Honourable Sir Henry Craik :** Was this about Dacca or Chittagong ?

**Mr. K. C. Neogy :** This was about Chittagong. Does my Honourable friend want to hear more about Dacca ? I can easily oblige him.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Will you also please mention the name of the gentleman who is now in this Hall and who was then one of the local authorities at that time ?

**Mr. K. C. Neogy :** Now, Sir, this report was duly published, it was printed *in extenso* in several newspapers, besides there was a Town Hall meeting at which Mr. J. M. Sen-Gupta challenged—perhaps my Honourable friend does not like that word,—I will say, made an offer to be arrested and tried for having brought these charges against the police and the local authorities. Nothing was done, no action was taken against him or against the other signatories of this report. No action was taken against the newspapers which published the report *in extenso*, and no action has also been taken against the publishers of this Annual Register which has permanently preserved it and made it available to every part of India. My Honourable friend will say that these are wicked and malicious lies. But does not my Honourable friend realise that the thing has gone a little too far to be disposed of in that summary fashion ? Here was a committee of inquiry composed of gentlemen of standing, members of the Local Legislature, very responsible citizens and they made very serious charges, not merely against the local authorities generally, but if my Honourable friend were to go through the report he will find, there were charges against individuals too. Nothing could have been simpler for Government or for the officers concerned to have proceeded against these persons under the ordinary law of the land. Nothing would have been easier for the Government to have proceeded against the newspapers for having published this document, nothing would have been easier for the Government to have proceeded against the publishers of this Annual Register for having preserved it for all time to come. Nothing was done. Mr. J. M. Sen-Gupta goes to England, broadcasts this report among the public men, Members of Parliament, and carries on an intensive propaganda there. Then as soon as he seeks to return to his country, he is not permitted to land but is spirited away under Regulation III of 1818. That is why the people believe, the circumstances, I have referred to be the real reason behind the arrest of Mr. J. M. Sen-Gupta under Regulation III of 1818. I might inform my Honourable friend, because he is new to his office and perhaps this would be confirmed by his Secretary, Mr. Trivedi, who is sitting behind him, that some of the sufferers from these disturbances in Chittagong were subsequently compensated by Government. What does that prove ? I would also enquire of my Honourable friend as to whether he has read Mr. Nelson's report since when I

asked him about it, because I said that, even if Government were to publish the report submitted by their own Divisional Commissioner, Mr. Nelson, there would be found to be a substantial corroboration of some of the charges made in this non-official enquiry report.

Mr. Sen-Gupta's case illustrates the use to which this Regulation is being put, and, it is for this reason, that no one who knows anything about its actual administration can possibly be a party to its continuance any longer on the Statute-book. I entirely sympathise with my Honourable friend the Foreign Secretary ; he does need some kind of powers in order to enable him to discharge the serious responsibilities which the Foreign Department has got, but I think a more straightforward course for him would be to have a kind of consolidated measure comprising the provisions of the Foreigner's Act for instance and some of the provisions of this measure, and if such a measure were brought forward in this House, so far as I am concerned, I promise to give it a sympathetic consideration. (Laughter.) But so long as Regulation III of 1818 is to be used for the purpose of dealing with men like Mr. J. M. Sen-Gupta.....

**The Honourable Sir Henry Craik :** Men like who ?

**Mr. K. C. Neogy :** Men like Mr. J. M. Sen Gupta.

**The Honourable Sir Henry Craik :** I thought the Honourable Member referred to men like himself.

**Mr. K. C. Neogy :** I was referring to Mr. Sen-Gupta. No doubt I was once arrested at Midnapur for the simple reason that I along with several others had gone down to make enquiries of allegations of a similar character, having been authorised to do so at a public meeting held in Calcutta ; and as I happened to witness some of the depredations committed by the police party headed by the Sub-Divisional Officer who was subsequently promoted to be a District Magistrate, I was immediately placed under arrest along with the other members of the Committee. (Laughter.)

**The Honourable Sir Henry Craik :** Under Regulation III ?

**Mr. K. C. Neogy :** No, no. Not under Regulation III. I would not have been here then, because once arrested under the Regulation, I would never have any chance of being able to attend the House. (Laughter.)

**The Honourable Sir Henry Craik :** Many of them have been released.

**Mr. K. C. Neogy :** When was that ?

**The Honourable Sir Henry Craik :** Many of the people who have been confined under the Regulation have been released quite recently.

**Mr. K. C. Neogy :** Do I take that as a kind of promise that my Honourable friend is considering favourably the question of the release of Mr. Sarat Chandra Bose and others ?

**The Honourable Sir Henry Craik :** I only said that many of them have been released.

**Mr. K. C. Neogy :** As I said, so long as this Regulation is going to be used in the manner in which it has been used, for dealing with men like Mr. Sen-Gupta, I cannot be a party to its continuance on the Statute-book. (Applause.)



**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir I confess there seems to be an air of unreality in this debate, because we are conscious of the numerical strength of the Government and our own weakness in that respect. But, nevertheless, we have to discharge our duty against heavy odds. I know the fate of the motion which my Honourable friend, Mr. Amar Nath Dutt, has placed before the House, but still I want to add a few words to the debate which has been proceeding for the last two days. The existence of this Regulation III of 1818 is a negation of the elementary principles of justice. It may be law, but it is no justice. Every accused person has a right of being tried before a court of law, and his innocence is to be assumed till his guilt is established in a regular manner. This Regulation is a denial of that elementary right of justice and, I may add, of humanity. Sir, the way in which this law has been administered during recent years has been narrated very eloquently by my Honourable friends who have spoken on this measure, and, I do not, therefore, want to add anything more to it. My Honourable friend, Mr. Neogy, has already referred to the case of Mr. Sarat Chandra Bose who happens, unfortunately or fortunately, to be the brother of Mr. Subhas Chandra Bose whom we know so well and who is now in exile in Europe. The other day, a question was asked about Mr. Sarat Chandra Bose, and my Honourable friend, the Home Member, had no hesitation in levelling very serious charges against him, namely, that he was concerned in the terrorist activities. Mr. Sarat Chandra Bose has lost no time in repudiating the charge even from his prison. Is it not an elementary act of justice on the part of the Home Department of the Government of India to give him an opportunity of establishing his innocence ? He has thrown out a challenge, and I have put down a question on the subject which will probably come for answer in due course of time. But I ask, is it not only fair and honest on the part of Government to give this gentleman an opportunity to rebut this charge ? Probably this is the first time during his incarceration that he has heard of the serious charge brought against him behind his back and in his absence. Now, Sir, I do not know whether Regulation III of 1818 makes it incumbent upon Government to inform the prisoner of the charge of which he may be believed to be guilty. So far as I could see, there is nothing in this Regulation III which makes it incumbent upon Government to inform the prisoner of the charge against him. I would, therefore, contend that it is on mere suspicion that persons,—at least a good many of them,—are placed under restraint under this Regulation. I do not say that none of the prisoners under Regulation III of 1818 could be guilty of any offence, but it is just possible,—and I am putting it at a very low estimate,—it is just possible that some of them at least might be innocent. My Honourable friend, the Home Member, himself stated the other day that it is on secret, confidential, and devious methods that the evidence is collected against an accused person behind his back, and it is on the strength of such evidence that the man is proceeded against, is laid by the heels and imprisoned for an indefinite length of time. In my own Province, I believe, there are a few persons who have been dealt with under Regulation III of 1818 although they have been acquitted by a competent Court of law, I referred the other day to the case of Mr. Vidya Bhusan, for instance. He was an accused in the Delhi Conspiracy Case some time ago and he was acquitted by the Court. He is a highly educated young man, an M.A. of the Benares Hindu University. He was honourably acquitted by the Court, but as

soon as he came out of the Court room as I am told, he was arrested under Regulation III of 1818 and he has since been kept in confinement in the District Jail of Delhi. I ask my Honourable friend whether this is just ? Is it not an insult to the Court itself to arrest him in the shadow of the court of justice and to imprison him for an indefinite length of time without any charge being framed against him and without his being asked to enter upon his defence even *in camera* ? Sir, I do not think I have anything more to add. I strongly support the motion before the House, although I know the usual fate will overtake it.

**Maulvi Muhammad Shafee Daoodi** (Tirhut Division : Muhamadman) : Sir, it passes my comprehension why such a great insistence is made by Government in keeping this Regulation on the Statute-book. It was in the year 1920 or 1921 when there was internal commotion of a very high order that Government agreed to set up a Committee to inquire into all the repressive laws ; and when there was some quiet in the country, the Committee worked day and night and put before the House their unanimous report. In that report I find that this Regulation III of 1818 was recommended to be dropped out of the Statute-book. Since then we have been expecting Government to come before this House with their own Bill on the subject, but nothing had been done after that by Government. Now that a Non-Official Member reminds Government of their report and wants the repeal of this Regulation, I am surprised to find the Political Secretary and the Home Member on the other side putting forward arguments which do not hold water. I think, up to now, they have not suggested a word about the report of the Repressive Laws Committee, and I do not know what they have to say on that point. But it is an irrefutable point which no amount of argument on the part of these two Honourable gentlemen will convince us. The only thing that will convince us is to redeem their pledge and come forward frankly before this House and tell us why they have not done what they promised in that compromise report. When I look to the necessary powers which Government require to put down men who, as the Regulation says, create internal commotion or disturb the security of the British Dominions from foreign hostility or matters of that kind as mentioned in the Preamble of that Regulation, I find that ample powers have been given to Government by so many repressive laws which we have enacted during the last three or four years. Against the Indian States I find a definite set has been enacted. Against internal commotion so many laws have been enacted that I do not see the necessity of sticking to this old Regulation. I do not know why Government are not taking into consideration the change of conditions. In the old days there was no such ordered and established Government as we see now. The Regulation was passed at a time when the military rule of the country was not so perfect as it is now, when there was no aircraft to defend the dominions. At that time I could understand that on mere suspicion a man might be arrested and kept in custody till he had no hope to live in this world. But, now at this stage, when the brute force in the possession of Government is so enormous and when the sources of information as to any action taken by an agitator is so great, I do not understand the necessity of sticking to this old law. I have read the speeches of the Political Secretary and the Home Member. They have made general statements and given us general arguments why they stick to it. I shall see whether they are going to give us something convincing.

Now, I have got to appeal to my Honourable friends in this Assembly

[Maulvi Muhammad Shafee Daoodi.]

who have regard for the reports of their own Committees and for the opinions which are expressed in the Committees appointed by them. I was not at the time in the Assembly, but I find that the report is very frank and candid and makes no apology for saying that this old Regulation is now out of date and should be taken out of the Statute-book. Now, that report of the Committee—very learned men sat on that Committee—should be redeemed even at this late stage in 1934, so that when the new era is going to dawn in the country by the inauguration of the reforms the people may feel satisfaction of the fact that Government have got some regard for their pledges, for the promises they give sometimes to Honourable Members of this House. They should not let the country live in that mood of suspicion which has held the field for long. I, therefore, appeal to the Honourable Members of this House and to the Honourable Members of the European Group to see their way to help us in this matter, so that at least this Regulation III of 1818 may be done away with by us at this late stage of the Assembly.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly :

12 Noon.

Non-Muhammadan Rural) : Sir, at the outset I may state that I am wholly against any repressive laws. All my life I have been trained in the British system of jurisprudence to which detention without trial is an abhorrence. I do not like, however guilty or innocent a man may be, that he should, without being told of what he is guilty, without being given a fair chance of defending himself, after hearing what the prosecution story is, to be told that he would be detained in jail indefinitely—no one knows for how long—until his natural period of life expires. That is an injustice which it is impossible to contemplate under any government. Macaulay said in the olden days "The tyrants smile and the victim's head was cut off". That at least is one kind of justice—I do not like it, but one can understand it to be the way of a tyrant ; but to call yourselves civilised, to say that you are following civilised methods of government and at the same time to lock up people without any trial, without their knowing what they are being confined for and without their even knowing as to how long they are going to be in jail, that is not a piece of justice which at any rate I have been able to appreciate : nor, if I may say so, with respect, does the Honourable the Home Member appreciate it. I hope I am not misrepresenting him ; and if I am not stating what I heard him say the other day correctly, perhaps he will kindly excuse me because he is generally not heard here on this side of the House—he said the Englishman's sense of justice asserted itself the other day that he himself did not like repressive laws, but there were certain circumstances and conditions under which these laws have got to be put into execution, and the present is one of these. That, I believe, is what he said. Consequently, as a matter of abstract justice, as a matter of legal position, we are all agreed upon this question that repressive laws ought to go. Now, if this Regulation III of 1818 was the only repressive law on the Statute-book, the only powers which the Government may require in times of emergency, I should certainly support the Government as against this measure ; but the Government has got so many arms in its armoury that it is perplexing to them which to use at what time. In that plethora of repressive enactments, it does not matter if one more enactment either existed or did not exist.

One matter to which I think I may invite my friend, Mr. Amar Nath Dutt's attention is this : a few days ago, a question was put as to the extent of the allowances given to some of these detenus, and one gentleman with whom I shall deal presently was being granted Rs. 1,500 a month—others Rs. 600 a month and Rs. 200 for his son's education in England—the son being born of an English woman. These things almost made me like to be a State prisoner un'er this Regulation, so that I may get this Rs. 1,500 and I would be rid of worries—no Temple Entry Bill no Anti-Untouchability Bill and no more repressive laws to fight on the floor of this House : it is an ideal position.....

**Mr. S. C. Mitra :** Is money the only consideration in life ?

**Raja Bahadur G. Krishnamachariar :** At certain periods money is always a consideration though it may not be the chief consideration : I should like to see the face of a man who stands up and says—who lives in the world and has not retired from the world—really, honestly and sincerely, that he does not want money. Sir, it is all humbug, it is all camouflage to say otherwise : we do want money : only money is not the chief thing. Man does not live by money alone ; but I decline to admit that so long as we live in this world, so long as we have to live in society, we do not want any money. But seriously speaking, one of the gentlemen detained under this Regulation is, I believe, a gentleman with the name of Mr. Sarat Chandra Bose : he was a barrister—I have not had the honour of being acquainted with him, nor, have I had any communication from him : I do not even know anything of him except what I heard about him on the floor of this House. He was an eminent barrister : his income was about Rs. 15,000 to Rs. 20,000 a month. That sort of man is not going to dabble in terrorism, especially when it is remembered that all the money that he earned has, I believe, been given away in charity and today he is in debt : his house is under mortgage, and, today he has not got much property : a man like that who earns with both hands and earns an income which makes men like myself very envious of him, it is not that sort of man who has got either the time or the inclination to dabble in terrorist activities : and after all with what purpose ? If he was a young man, if he were a youth without his ideas being formed, if in his impulsive nature he had caught hold of some of these terrorist people and joined with them, I can quite understand ; but a man who in the Calcutta Bar can earn about Rs. 15,000 to Rs. 20,000 a month is, I think, a man of some sense : otherwise he could not have attained the position that he did. Is it possible for the Government to imagine, whatever may be the evidence that they have got on record, unless that evidence has been placed before him and unless he is put on trial and asked what he has to say with reference to that evidence—I say, is it possible, is it reasonable, is it fair to say that that man was concerned with terrorist activities to the extent that his liberty should be curtailed, and that he should be put on practically short commons at Rs. 225 a month ? It is rather hard on a man who had been earning Rs. 15,000 to Rs. 20,000 a month to ask him to live on Rs. 225 a month. I think it is similarly the case with other persons. I admit this Regulation is far more liberal than the Criminal Law Amendment Act and all those Acts in Bengal and I cannot for the life of me understand why my friend, Mr. Amar Nath Dutt, wants to get rid of this Statute ; because, at times, in a generous mood, if the Government take

[Raja Bahadur G. Krishnamachariar.]

advantage of this Regulation and lock people up, they would be entitled to be treated with better consideration than if the same man was locked up under the Criminal Law Amendment Act or whatever is in force in Bengal, may I respectfully invite the attention of the Government to the speech made by Lord Reading on the floor of this House, and see that justice is done to the extent to which Lord Reading undertook it shall be done : *viz.*, that himself, a very eminent lawyer, an *ex*-Lord Chief Justice of England, he promised to this House that he himself would revise these cases : of course we cannot always have *ex*-Lord Chief Justices as Viceroy in this land ; but there is any amount of legal talent within the portals of the Government of India, and I think that that legal talent might be requisitioned in order to satisfy, as far as possible within the limits of their own policy—I do not want that they should abandon their policy—that the evidence against the man should be sifted and the person who deals with it in a judicial manner should be satisfied on that evidence that there was a fair and *primâ facie* case against this man and that he should be locked up. That, Sir, is only fair. That, I believe, is what the Honourable the Home Member too considers to be fair. The only trouble is in giving effect to that proposition, which everybody admits, there is always a lacuna, and that lacuna is so broad that the good effect, and the good intention underlying the provisions of the Regulation that ought to be observed in connection with the administration of that Regulation is not being followed. I, therefore, Sir, with these few remarks, would ask my friend, Mr. Amar Nath Dutt, to withdraw his motion, or if he would not do so, I would support him.

**Mr. B. Das :** Sir, as a man in the street and as a public man, I have to apply the test to this law and see how it is working against the political aspirations of the nation. The speeches of my Leader, Mr. K. C. Neogy, and of the Honourable Sir Hari Singh Gour, the other day, proved that the law has become obsolete, and it is only applied against the national aspirations of the people and against the national workers who work in a most patriotic spirit for the freedom of their country. Sir, I do not wish to criticise the speech of the Honourable the Foreign Secretary, but I wish to ask,—how is it that he has very few foreign prisoners in India, and why is it that these foreigners are kept interned under Regulation III of 1818 and are paid from the Indian Exchequer ? If foreigners come to India, they may be deported or sent back to their country. There is no use of applying this obsolete Regulation to those foreign prisoners, paying them costly pensions and allowances at the cost of the Indian taxpayer. Of course, when we examine the Budget, we often find certain items of payment made in the shape of political pensions and allowances, but there are unwanted and unwelcome guests of India from the neighbouring territory of Afghanistan, who draw large allowances, because the Foreign Secretary is trying to maintain them in India.

Then, Sir, the Honourable the Home Member referred to two aspects of the question as to how the Regulation III of 1818 is applied,—one is that this Regulation is applied to those who commit terrorist crimes and offences in India, and the other is applied to those who foster communism and advocate communist doctrines in India. As regards the terrorist crimes, it has been well answered by several speakers. I would

only refer to the communistic aspect of the question. If there was this Regulation III of 1818, I want to know why, during the Meerut trial, lakhs and lakhs of rupees were spent, why so much money was paid to lawyers some of whom became so rich that they have retired from the profession. Why is it that Messrs. Bradly and Spratt were not arrested the moment they landed in India and detained under Regulation III of 1818? Will the Honourable the Home Member, when he rises to reply, let us know how many political detenus detained under Regulation III of 1818 had advocated communistic doctrines in India? Sir, I am no sympathiser with communists or their doctrines.

**Some Honourable Members : Question.**

**Mr. B. Das :** Sir, in the meetings of the All-India Congress Committee, I have expressed strong criticism against them and also on the floor of this House, but if I understand the labour movement in India aright, it is socialistic in principle, and very few of the labour leaders are communists. It is true that the Honourable the Home Member in reply to a question of my friend, Mr. Gaya Prasad Singh, gave a long reply as to the state of the communist movement in India. This is not a new thing at all. We are accustomed to this sort of activities from 1926-27. The Secret Department of the Home Office used to control all letters and circulars that used to come from Russia and from the Socialist Party in England, and we have often heard statements made by Government that these circulars that were circulated were sent out by Mr. M. N. Roy who is now imprisoned at Dehra Dun, and if newspaper reports be true, he is very much ill-treated by the Government and he has gone down much in weight,—it is not a civilized method of treating a political prisoner at all. We are now accustomed to all that sort of thing, but we have never found that the communistic doctrine has spread, and if we are to judge by the results of the Meerut trial, the manner in which prisoner after prisoner was discharged showed that Government had no case behind them. And what is this statement which the Honourable the Home Member made? If one reads any books on Russia, and there are dozens of books on Russia in our library and in almost all libraries throughout the country,—one finds that all these principles are contained in those books. There is nothing new. If some hot-headed youth, or somebody who has read these doctrines in some Russian book, and said that such and such will be the future communists policy, it is hardly fair for the Home Member to alarm the country and say that a new crisis is coming on India. A new crisis has always come when the Government wanted to apply new forces of repression and oppression on the people of India. Sir, at one time even the Government of India used to think of the great Pandit Jawaharlal Nehru as having sympathy with the communist movement. At that time the Home Members of the Government of India were not clear in their minds what was really communism and what was socialism. Pandit Jawaharlal Nehru, in his presidential address at the Lahore Congress, made it clear what is the doctrine he stands for. His heart goes for the masses, and he wants that the workers in the land should get adequate wages. I will just quote one or two lines from his speech delivered at the Lahore Congress in 1929 :

“Our economic programme must, therefore, be based on a human outlook and must not sacrifice man to money. If an industry cannot be run without starving its workers, then the industry must close down. If the workers on the land have not

[Mr. B. Das.]

enough to eat, then the intermediaries who deprive them of their full share must go. The least that every worker in field or factory is entitled to is a minimum wage which will enable him to live in moderate comfort, and human hours of labour which do not break his strength and spirit."

Nobody, even the die-hard capitalist like my friend, Mr. Mody, will deny that the workers in the factory and the field should not get a minimum living wage, but, in 1929, the way in which the Government Members used to address this House showed that Pandit Jawaharlal Nehru or Mr. Subhas Chander Bose were nothing but communist leaders fermenting the doctrines as was explained by the Home Member two days ago, and one of this is "hatred for God and all forms of religion". I cannot believe in India with our society as it is constituted, with our old world life as it has been formed, that anybody can even gather half-a-dozen fellows who would have this kind of ideals. I particularly brought out Pandit Jawaharlal Nehru's speech—I am sorry I could not find his other book, "Whither India?" which was published only last year and as a result of which, I think, he was imprisoned by the Government of Bengal. I take this opportunity to express my appreciation of the sympathetic attitude which the Government have taken in releasing him temporarily to look after his sick wife, over which the whole of India is so distressed and perturbed. I do hope that Mrs. Jawaharlal Nehru will soon be all right and also that the Government will, in the meantime, reflect on their action and not lay blame on one Government or another, either the United Provinces Government or the Bengal Government, but that they will unconditionally release Pandit Jawaharlal Nehru.

But the thing is this. We have found, I, as a public man, have found that whenever any public man has worked conscientiously for the salvation of his country, he is accused of heinous crimes. I am a little bit scared away by the speech of the Honourable the Home Member the other day that there are communists in India, and the statement that he laid on the table of the House wanted to demonstrate such activities. This is the third or fourth line of defence—I do not know what it is—of Government. If there are no communal riots, if there are no Hindu-Muslim quarrels, then let us start something else. Socialism was the *bête noir* of the Government of India a few years ago. Now that Socialism is an accepted principle of Government in many civilised countries of Europe, so the Government here must think of communism and crush it. Those of us who have read the development of Soviet Russia know that today they have got an orderly Government, and above all, what they preach they have put into practice. Their five years' plan succeeded to a certain extent, they have extended it to a ten years' plan. Their method of collectivisation is a collective method of cultivating land so that nobody is a peasant proprietor but the land is cultivated collectively and belongs to the State which means belongs to the nation. The latest book, which I was reading only a week ago, shows that it has produced very successful results. So, the doctrines which may frighten the Conservative Baronets in England, including my Baronet friend, the Home Member, here, to mortal fear, have proved a success and a salvation for those down-trodden millions which were kept subjected almost to a slave condition in the Russia under the Czars. The Conservatives in England, the die-hards in England, may be 20

years ahead of the old Czarist regime in Russia, but they have not advanced in the democratic system any further, and if I can picture the Government of India, they are no further than the old Czarist regime of Russia. What do we find? The people want here self-determination, self-government. The more they want it, the more the Government bring out archaic and obsolete legislations. They forge new weapons, and as was pointed out by my Honourable friend, Sir Hari Singh Gour, all the new legislations in the shape of Criminal Law Amendment Acts and other Acts cover everything, except what the Foreign Secretary wanted, and for which my Leader has already given an assurance that if he brings a consolidated Bill it will receive the sympathetic consideration of this side of the House. If that be so, what is the use of perpetuating this evil piece of legislation? The Regulation was enacted at a time when India was under one man's rule. The army officers—I do not know if there were Civil Servants at that time, and if there were they were all autocrats. They were worse autocrats than even the Czars of Russia. They adopted these expedencies only to keep themselves going. When the Government of India created the Imperial Legislative Council, what they ought to have done was to have repealed all the Ordinances and brought in regular legislations. Therefore, I support the repeal of this Bill.

My Honourable friends, Messrs. Neogy and Mitra, have mentioned that Mr. Sarat Chandra Bose should be released. He was my school friend at Cuttack, he was two years senior to me, and I have known him for a very long time. If Mr. Sarat Chandra Bose committed any crime it was the crime of being patriot. He was a patriot, and he wanted and still wants that India should have self-government. To connect up Mr. Sarat Chandra Bose or Mr. Subash Chandra Bose with either the communists or the terrorists—until the Government bring forward on the floor of this House facts or publish documents showing that either of these gentlemen were connected directly or indirectly with the terrorist movement nobody in India will believe it. There is a grave responsibility on the Honourable the Home Member; whatever may have been the policy of his predecessors, the time has come when the present Home Member should be reasonable and conciliatory and adopt a different line of attitude towards this question of terrorists. I find he has already got in his sleeve the repression of communists; the communist bogey will scare the Government of India and the Home Member for another five years till a new bogey starts. I do hope that the Honourable the Home Member will sympathetically examine the case of Mr. Sarat Chandra Bose. Let him be bold enough to tell this House what Mr. Sarat Chandra Bose is accused of. If he does not reveal that to us, then we know that there is no case against Mr. Sarat Chandra Bose and that he is suffering from the sins that many a great patriot in India suffered, that Lokamanya Tilak, Lala Lajpat Rai and Mahatma Gandhi suffered in the past—that to be a patriot is a sin under the present Government of India, and for that they must suffer imprisonment. With these remarks, I support the motion that the Regulation III of 1818 should be repealed.

**Mr. Amar Nath Dutt:** Sir, I am thankful to my friends like Mr. Mitra and Mr. Neogy who, having regard to my ill-health, have almost replied to all the points that have been urged on the opposite side in support of the retention of Regulation III of 1818 on the Statute-book. There



[Mr. Amar Nath Dutt.]

seems to prevail a certain misconception about the repeal of this enactment for which I have been fighting for the last 11 years, since I entered this Assembly and if I am permitted to come again, I shall again do so, as long as I am a representative of the Province of Bengal. I was pained to find certain observations in the Press which were made about the repeal of this Regulation. It was said that when there are so many measures on the Statute-book which are more drastic, why do you fight for the repeal of this enactment. My friend, Raja Bahadur Krishnamachariar, said that Mr. Sarat Chandra Bose was getting Rs. 1,500 a month for his family and Rs. 225 for himself during his detention. I would ask whether my friend, Raja Bahadur Krishnamachariar, would be willing to accept that amount and go into retirement from his activities in this House or outside. The misconception I was referring to was this. It is not this House which was a party to any enactment like the Bengal Criminal Law Amendment Act. It was the Bengal Legislative Council from which most of the representatives of the people withdrew and the few representatives of the people who were there fought against it. In fact, I would not weary the patience of the House by reading out the names of the Members of the Bengal Legislative Council to show who were in favour and who were against the passing of that Act. Sir, I am sorry that it should be said in the Press that this House was a party to the passing of that Act. It is only the Supplementary Act, which empowers an appeal to the High Court, that was passed by this House, and that was also done with the help of the Government bloc, as the Leader of the Nationalist Party says. Be that as it may, it does not appeal to me that because there are drastic measures elsewhere, therefore, we should also submit to the retention in the Statute-book of measures like this. Be it said at least to the credit of this House that we were not a party to such Acts. So, this misconception should be cleared not only in this House but also elsewhere, because I have also seen friends of mine remarking that there are more drastic measures on the Statute-book. I shall not take up the time of the House by replying to everything that has been said against the repeal of this measure. I shall only take up one or two points and ask the House to support my Bill. Before I do that, I beg to point out that there is a very unhappy mistake in the report of my speech in which I referred to the deportation of the Natu Brothers which occurred in 1898 and the news of the release was hailed with joy in the Congress of 1899, and not in 1889, which is of course impossible. That mistake has occurred and it may lead to some confusion. Having cleared up that mistake, I beg to reply to one of the remarks of my friend, Captain Lal Chand, who has been pleased to observe that the Bengal Council has passed a Bill by an overwhelming majority, and, therefore, it is the opinion of my Province. I cannot for a moment believe that my Honourable friend does not know the constitution of these Councils. There is an Official bloc. There is a nominated bloc and some representatives of the people have taken it into their heads to boycott this Legislature. There are several people who are certainly not representatives of the people. I would not use harsh words against my own countrymen, such as have been used.

**Hony. Captain Rao Bahadur Ohaudhri Lal Chand** (Nominated Non-official) : Do your remarks apply to this House also ?

**Mr. Amar Nath Dutt :** I shall never use such expressions as my friend from Bihar does. As I have already submitted, in the Bengal Legislative Council, Members who count were opposed to the passing of this Act, but that is neither here nor there. Let us look at the voting, and we find that Mr. Jatindra Nath Basu, against whom it cannot be said that he is an extremist in politics, voted against the measure. He is a liberal politician, nephew of Mr. Bhupendra Nath Basu who had the confidence of both his countrymen as well as the Government, and he himself is the President of the Indian Association, an association with which is associated the great names of Sir Surendra Nath Banerjea and Mr. A. M. Bose. Honourable Members from Bengal will remember that on the day on which the inauguration ceremony of this association was to be performed, the only son of Sir Surendra Nath died. He was called to perform this public duty and he went there to perform it. That was more than half a century ago. He used to speak with feeling about this association in after life. Mr. Jatindra Nath Basu is now the President of that Indian Association. It is certainly not a terrorist association. Now, my friend over there said that the Reforms are coming and why not wait. If the thing is not wanted, it is not a question of waiting for any contingency. My friend, Mr. Anklesaria, has been pleased to observe in connection with this motion of mine that it is something which defies commonsense and experience. He was not pleased to let us know to what commonsense and to what experience he was referring to. So, I am not in a position to reply to him. My official friend from Bengal, Mr. J. M. Chatarji, who has administered several districts and sub-divisions also referred to the miseries brought on many homes in Bengal. I also sympathise with the view that many a fair home in Bengal has been ruined by mischievous activities, but it is not the Regulation which I am asking for repeal which is meant for the suppression of these particular mischievous activities. For those, there is the Bengal Criminal Law Amendment Act, and why have this also ?

My Honourable friend, Mr. Metcalfe's argument when he appealed to us in connection with this measure was that there were a few international complications involved and international refugees and other men who gave trouble on the borders ; well, I would have been glad if an assurance had been given by the Government that the provisions of this Regulation would be confined only to such cases as my Honourable friend, Mr. Metcalfe, the Foreign Secretary, was pleased to refer to, but, Sir, there was no such assurance given ; on the other hand, we find that it is being applied to such cases for which there already is some other provision in force. My Honourable friend, Sir Henry Craik, said with reference to some wrongs that were committed upon men of revered memory like Aswini Kumar Dutt, Subodh Chandra Mullick and a veteran public man like Krishna Kumar Mitter, that the repeal of this Regulation would not right past wrongs. Yes, I know that, but what I was appealing to him was not for any reparations for past wrongs committed on people, many of whom have gone away from the jurisdiction, not only of the law Courts of India, but also from the jurisdiction of the Honourable the Home Member, and neither he nor I do expect that these past wrongs can be righted. That was not the reason for which I was appealing that this Regulation might be repealed ; I was appealing that this Regulation might be repealed so that wrongs of this nature may not be committed in future, that was my argument,

[Mr. Amar Nath Dutt.]

and I am quite in sympathy with my Honourable friend, Mr. Metcalfe's view that there should be some provision of law by which he can deal with refugees from foreign countries and on the borders. As has been observed by my Honourable friend, Mr. Neogy, I may say the Government will have our sympathy if they will bring in a consolidated measure like that in order to safeguard such international complications and guard against them, and I may assure the Government also that in that case they will have not only our sympathy but also our support for such a measure if it is confined only to international complications of the nature referred to by my friend, Mr. Metcalfe, but what I complain is that this Regulation, which was primarily meant for use against cases not like the present ones, and was meant for circumstances which existed in old times but which do not exist at the present time and which are not likely to occur again in the future, should be freely invoked for cases for which there, otherwise, is ample and separate provision in the law. As regards my Honourable friend, Sir Henry Craik's reference to Public Enemy No. 1, all that has been amply replied to by my Honourable friends over there. So, Sir, what I ask on this point is that either an assurance may be obtained that the application of this Regulation will be confined to its legitimate sphere, or, if that be not possible, to have any other measure placed before us by my Honourable friend, Mr. Metcalfe, to deal specifically with the cases he had in mind. Sir, much has been said about repression and terrorism, anarchism, communism, and so forth. I do not want to take up the time of the House by repeating what I have said already, but I can only say this that official and executive repression has not been able to cure revolutionary patriotism or anarchism. There is the menace of revolution but who makes and contributes to that revolution? Sir, I may conclude by quoting from a document published some years ago, and signed by almost all the savants of Europe—Romain Rolland, Bernard Shaw, Bertrand Russell and Rabindra Nath Tagore, and in that historic document, it is declared that it is the Governments who make revolutions everywhere while the counter-revolutions make the revolutions bloody. With these words, Sir, I appeal once more to the House to have this Regulation repealed.

**The Honourable Sir Henry Craik :** Sir, one of the speakers in today's debate, I think my Honourable friend, Mr. Gaya Prasad Singh, expressed the view that there was a certain air of unreality about today's proceedings, because he said that those who supported my Honourable friend's Bill knew that they were certain to be defeated. It is reassuring to know that we on this side are to be successful, though surprising things happen in this Assembly, but I do agree that there is an air of unreality about today's debate.

**Mr. Gaya Prasad Singh :** On account of the reason which I have assigned?

**The Honourable Sir Henry Craik :** No, for another reason and that is that, as I remarked on the first day on which we discussed this motion, the subject is really worn so thin as to be actually threadbare. Owing to my Honourable friend's consistence and persistence in bringing it up before this House on many occasions, the arguments both for the abolition and for the retention of the Regulation are really, I am afraid, familiar to every Member of this Assembly and it is very difficult to find anything

new to say, but I can imagine my Honourable friend, the Mover, saying to himself, like the character in Virgil, if I may quote Latin :

“ *Flectere si nequeo superos,  
Acheronta movebo.* ”

Which, translated, means :

“ If I cannot move Heaven, I will move Hell.”

Or perhaps in more topical language :

“ I have not had much success with Haig, but I will try it on with Craik.”

That is perhaps really the object of this motion and of the revival of this somewhat ancient corpse.

Sir, there are one or two preliminary points which have been raised in the course of today's discussion which I should like to reply to. The first speaker, my Honourable friend, Mr. Mitra, asked me how many State Prisoners there were in Bengal and why these people could not be dealt with under the special legislation which gives power to detain them ? I think at the moment there are 19 prisoners under the Regulation, not in Bengal but belonging to Bengal, but they were all interned before the Bengal Criminal Law Amendment Act of 1932 came into force ; they were all, in the opinion of the authorities, terrorists of a dangerous type whom it was not desirable to intern in Bengal itself. They were, therefore, dealt with under the Regulation, because the Bengal Government had, at that time no legal power to order the detention of anyone outside their jurisdiction.

**Mr. S. C. Mitra :** But at present there is no necessity to bring them under this Regulation.

**The Honourable Sir Henry Craik :** I will consider the point whether it would now be possible to deal with them under the other powers now possessed by the Bengal Government. I was merely explaining why at the time they were interned it was necessary to use the Regulation because the legislation which has since been passed was not at that time in force. Apart from that particular point about the Bengal prisoners, the Honourable Member will, of course, realise that in other parts of India the special powers that exist in Bengal by virtue of recent legislation do not exist. For example, in the Punjab and the North-West Frontier Province there is a special Act but there is no power to intern. There is merely power to detain for a period which must not exceed two months, and a detention for two months is not obviously of much use in the case of a man who, the authorities are satisfied, is a dangerous terrorist.

Another point raised was regarding the reply I gave in answer to a supplementary question the other day about one of the Bengali internees, Mr. Sarat Chandra Bose. I am being told that I have violated the rule of silence or secrecy or reticence observed by my predecessors in making that reply, but I may point out that what actually happened was that Mr. Bhuput Sing put a question to me which ran : “ May I know what are the reasons, other than the Civil Disobedience Movement, for detaining Mr. Bose ? ” Now, if I had said : “ No ” or “ I shan't reply ” or anything like that, I should have been accused of grave discourtesy, and so, I stated the conclusion to which I had come after a study of the papers, namely that there were strong grounds for considering that this gentleman is deeply involved in the terrorist movement.

**Mr. K. C. Neogy :** The Honourable Member was complimented for it and he need not take the trouble of explaining his position.

**The Honourable Sir Henry Craik :** I am coming to that.

**Mr. Gaya Prasad Singh :** I hope the Honourable Member will be more communicative with regard to other detenues and the reasons for their detention.

**The Honourable Sir Henry Craik :** A telegram of remonstrance or protest has come from Mr. Sarat Chandra Bose to which allusion has been made by one or two of today's speakers. It only reached me half an hour before I came to this Chamber, as it was not sent to me direct but through one or two intermediaries. I am not in a position, nor do I think, this is the proper place to enter into any argument about it, but I may say that he takes the point that what I have stated is in conflict with statements which he alleges were made orally in certain conversations by high officials of the Government of India and I think also by some high officials of Bengal. I have, hitherto, had no time to ascertain whether there is any record or corroboration of his allegation that such statements were made, but, I shall, of course, look into the point. I have only to say that, before the receipt of this telegram, and, in consequence, I think, of certain allusions made in this House and of what I have read in the Press, I have again carefully perused the papers regarding this person and I see no reason whatever to alter one single word of what I said on that occasion. I am convinced that there are grounds for considering him to be deeply involved in this movement and there I must leave the matter for the present.

**Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) :** Will the Honourable Member kindly place these papers on the table ?

**The Honourable Sir Henry Craik :** Certainly not. Those papers are confidential documents.

**Mr. Gaya Prasad Singh :** Will you give an opportunity to that gentleman to explain his conduct and to prove his innocence if he can ? Of course, it can be done *in camera* and not before the public. This is what bare justice demands.

**The Honourable Sir Henry Craik :** I cannot at the moment give any undertaking to that effect, but I will consider that question.

Now, Sir, I come to my Honourable friend, Mr. Neogy. I would like to say at once that I thoroughly enjoy an argument with Mr. Neogy. I recognise him as a fair and courteous debater and one after my own heart, not only because of those qualities, but because I always feel that I am contending with a much more subtle brain than my own. Honourable Members who play golf will appreciate the simile when I say that I always feel when engaging in an argument with my Honourable friend that though I am almost certain to be defeated, yet I hope that my game is going to be improved. The Honourable Member was kind enough to refer to the candid way in which I have placed the case of Government on this motion and I very much appreciated what he said. But I was a little hurt when he said something which implied that he considered me a die-hard. Now, that is an imputation which I cannot admit. I am afraid the Honourable Member must have read the comment of a well-known nationalist paper of my Province when my appointment to my present office was

announced. It said in effect : " As for Sir Henry Craik, all that we know about him is that he is every bit as reactionary as his predecessors and has none of their Parliamentary gifts ". Of course, I am painfully conscious of the second part, which is perfectly true, but the first part does seem to me to be rather begging the question both as regards my predecessors and myself. I honestly think that I cannot fairly be accused of being a die-hard. At least, I hope not.

**Mr. K. C. Neogy** : I would gladly accept a variant of that, if the Honourable Member suggests one.

**The Honourable Sir Henry Craik** : If my Honourable friend persists in that opinion, I can only hope that, in the months or years to come, when, I trust, we may be associated in this Assembly, my conduct will convince him that he is wrong. (Applause.) My Honourable friend went on to quote the speech made by Lord Reading to this Assembly in January, 1924, and he contended that the Government have been guilty of a breach of faith in not implementing what he said was a clear promise made in that speech that the cases of all these internees would be referred to two Judges. I do not for the moment say High Court Judges because I think it is perfectly possible that there was a *bona fide* mistake about the point whether they were to be High Court Judges or Sessions Judges. But I have read the speech since my Honourable friend spoke, and, I must say that I cannot find there that there was any definite promise made that that procedure would invariably be observed. However, be that as it may, that is a very old question which has frequently been raised on the floor of this Assembly as my Honourable friend must know. There was a question put to Sir Alexander Muddiman in 1926 on this very point, and he was challenged by Mr. Rangaswami Iyengar as regards this alleged breach of faith, and he replied :

" It is very important that I should make myself quite clear on that point. I am answering a general question in regard to the general use of the Regulation. As the Honourable Member quite correctly states, a different procedure was adopted in regard to the prisoners whom His Excellency the Governor General was referring to. I want to make it quite clear that Government are not in all cases committed to that procedure."

Whether there was a breach of faith or not, the position of Government was made perfectly clear eight years ago. I really do not think my Honourable friend need have dug up in defence of his arguments the alleged sins of my predecessors, for I have no doubt that in course of time he will find plenty of my own. But it does illustrate the weakness of his case when he has to go back to these forgotten controversies of eight years ago to reinforce his arguments.

**Mr. K. C. Neogy** : Yes, to Lord Reading.

**The Honourable Sir Henry Craik** : Yes, it was to Lord Reading. Sir,

1 P.M. I have very little more to say, but there are just one or two points made by later speakers to which I feel it would be courteous to refer. My Honourable friend, Mr. Gaya Prasad Singh, quoted the case of a Delhi prisoner, Vidya Bhushan, who, he says, was arrested under this Regulation after being honourably acquitted by a Court. I took down his exact words. I have only a somewhat vague recollection of that case, and, unfortunately I have not had the opportunity of refreshing my memory about it. But I must say that my recollection is that the Honourable Member had no justification for using the expression

[Sir Henry Craik.]

“ honourably acquitted ”. The man’s guilt was not proved, but I do not believe, to the best of my recollection, that it was ever definitely said that he was innocent. If the Court had said that he was innocent, that would be quite a different thing.

**Mr. Gaya Prasad Singh :** If his guilt is not proved then he must be presumed to be innocent in the eyes of the law.

**The Honourable Sir Henry Craik :** There is a difference. In Scottish Law, as my Honourable friend knows, a jury can return a verdict intermediate between guilt and innocence, known as a verdict of non-prover, but in English law there is no such thing. Still it must be within the common experience of every human being that there are cases when you cannot say that a man is definitely guilty and yet you are not satisfied of his innocence. In that particular person’s case I do not believe that the verdict can be fairly described as having amounted to one of honourable acquittal.

**Mr. Gaya Prasad Singh :** Will the Honourable Member himself kindly look into that case ?

**The Honourable Sir Henry Craik :** Yes, I will. Now, Sir, I come to my Honourable friend, Mr. B. Das, and, I wish to remove a misapprehension that seems to exist in his mind that the communist movement in India is entirely a figment of my imagination. I wish I had as fertile imagination as the Honourable Member seems to suppose. Let me assure him that the statement that I laid on the Table of the House the other day, in order to spare the House the horror and indignation and boredom which I knew its reading would cause, was a document of which every single sentence was based not on my imagination but on papers and proofs in the possession of the Government of India. That statement as to the teachings, the aims and objects of the communist party in India is one which, I think, I may claim, is carefully and thoroughly documented and in no sense based on imagination or even on guess work. I do not think that any reasonable person reading that document can fail to agree with me that in describing the communist as “ Public Enemy No. II ”, I have not been guilty of any exaggeration whatever. The Honourable Member asked me, how many communists or communist agents were interned under this Regulation ? There were a short time ago six, but four of them have now been released as they are not considered any longer dangerous and there are still two left. The suggestion to which I have just referred that the communist movement was a wholly imaginary danger, a sort of bogey suddenly dug out of some dark cellar to justify the retention of the Regulation, is certainly not one that is shared by my Honourable friend’s own Leaders or future leaders as he no doubt has observed from the sayings reported in the Press of Mr. Vallabhai Patel and even of Mr. Gandhi himself. They are fully alive to the dangers of the communist movement. If the Honourable Member is going to appear in the next Assembly, as representing the Congress, he must make himself better acquainted with the views of the leaders that are to be.

**Mr. B. Das :** Out of 35 crores, two detenus only. There are only two communists out of 35 crores of people in India. That shows there is really no communist movement in India.

**The Honourable Sir Henry Craik :** Apart from those, there are many who have been convicted in regular Courts in Bombay and I believe also in Calcutta.

Sir, I do not think I have anything more to say, for, as I have remarked, the subject is one regarding which every Member of the House is familiar with the arguments on both sides and I do not think that anything I can say is likely to, certainly not to turn the scales, or even influence one vote. But, Sir, I feel some confidence in now leaving the question to the verdict of the Assembly. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to repeal the Bengal State-Prisoners Regulation, 1913, be taken into consideration.”

The Assembly divided :

AYES—37.

Abdul Matin Chaudhury, Mr.  
Abdur Rahim, Sir.  
Ba Maung, U  
Badi-uz-Zaman, Maulvi.  
Bhuput Sing, Mr.  
Chandi Mal Gola, Bhagat.  
Das, Mr. B.  
Dudhoria, Mr. Nabakumar Sing.  
Dutt, Mr. Amar Nath.  
Gour, Sir Hari Singh.  
Gunjal, Mr. N. R.  
Hari Raj Swarup, Lala.  
Jog, Mr. S. G.  
Krishnamachariar, Raja Bahadur G.  
Lahiri Chaudhury, Mr. D. K.  
Lalchand Navalrai, Mr.  
Liladhar Chaudhury, Seth.  
Mahapatra, Mr. Sitakanta.  
Mitra, Mr. S. C.

Mudaliar, Diwan Bahadur A.  
**Ramaswami.**  
Neogy, Mr. K. C.  
Pandian, Mr. B. Rajaram.  
Pandya, Mr. Vidya Sagar.  
Parma Nand, Bhai.  
Patil, Rao Bahadur B. L.  
Phookun, Mr. T. R.  
Ranga Iyer, Mr. C. S.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Rai Bahadur Sukhraj.  
Sant Singh, Sardar.  
Sen, Mr. S. C.  
Sen, Pandit Satyendra Nath.  
Shafee Daoodi, Maulvi Muhammad.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Thampan, Mr. K. P.  
Uppi Saheb Bahadur, Mr.

NOES—52.

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna Raddi B.  
Brij Kishore, Rai Bahadur Lala.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
DeSouza, Dr. F. X.  
Duguid, Mr. A.  
Fazal Haq Piracha, Khan Sahib Shaikh.  
Ghuznavi, Mr. A. H.  
Grantham, Mr. S. G.  
Hockenhull, Mr. F. W.  
Hudson, Sir Leslie.

Ismail Ali Khan. Kunwar Hajee.  
James, Mr. F. E.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
Lee, Mr. D. J. N.  
Lindsay, Sir Darey.  
Lumby, Lieut.-Colonel A. F. R.  
Metcalfe, Mr. H. A. F.  
Morgan, Mr. G.  
Mukherjee, Rai Bahadur Sir Satya Charan.  
Noyce, The Honourable Sir Frank.  
Pandit, Rao Bahadur S. R.  
Perry, Mr. E. W.  
Puri, Mr. Goswami M. R.  
Rafuddin Ahmad, Khan Bahadur Maulvi.



NOES—*contd.*

Raghubir Singh, Rai Bahadur Kunwar.  
 Raisman, Mr. A. J.  
 Rajah, Rao Bahadur M. C.  
 Ramakrishna, Mr. V.  
 Rau, Mr. P. R.  
 Richards, Mr. W. J. C.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Scott, Mr. W. L.

Singh, Kumar Gupteshwar Prasad.  
 Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Trivedi, Mr. C. M.  
 Zakaullah Khan, Khan Bahadur Abu  
 Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

## THE GIRLS PROTECTION BILL.

**Rai Bahadur Kunwar Raghubir Singh** (Agra Division : Non-Muhammadian Rural) : Sir, I beg to move :

“That the Bill to protect Minor Girls be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sir Abdur Rahim, Mr. K. C. Neogy, Diwan Bahadur Harbilas Sarda, Mr. Anar Nath Dutt, Mr. Muhammad Yamin Khan, Sardar Nilal Singh, Goswami Mr. R. Puri, Sir Hari Singh Gour, Mr. F. E. James and the Mover, with instructions to report within a week, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

This Bill was sent out at Delhi for circulation in order to elicit public opinion thereon. Opinions have been received. As we know, the opinions are generally from District Magistrates, Commissioners, High Courts and other Government servants. Non-official public opinion also was obtained, and as I shall show later on, public opinion is generally in favour of the Bill. I shall also refer to the bodies which are against the Bill, but, before I do so, I wish to point out that those who are interested in the welfare of girls are generally in favour of my Bill. The very famous paper of Allahabad, *the Chand*, of May, 1934, has supported my Bill. Then there is the paper of Lahore started by the late Sir Ganga Ram which is known as the *Widows' Cause* which has also supported my Bill. As for individuals, the Honourable the Chief Justice of the Allahabad High Court supports my Bill, as well as Justice Iqbal Ahmad. Dr. Muthulakshmi Reddi of Madras has written to me personally supporting the Bill. Khwaja Hasan Nizami of Delhi, the Government Pleader, Silchar, Deputy Commissioner, Garo Hills, Chairmen of the Local Board and Municipal Board, Nowgong, Secretary, District Bar Library, Sylhet, Mr. G. I. Subhedar, Additional Judicial Commissioner, Central Provinces, Mr. F. H. Staples, Additional Judicial Commissioner, Central Provinces, the Deputy Commissioner, Buldana, Mrs. Y. K. R. Cama, Honorary Magistrate, Nagpur, Mr. P. Mukherji, M.L.C., Delhi, Rai Bahadur Ram Kishore, Advocate, Delhi, Dr. S. P. Shroff, Delhi, the Senior Sub-Judge, Delhi, Raja Bahadur Suraj Baksh Singh, O.B.E., of Kasmanda, the District and Sessions Judge, Guntur, the Inspector General of Police, Burma, the Government Pleader, High Court, Bombay, the Collector of Broach and Panch Mahals, the Collector of Thana, all have supported my Bill. As for institutions, the Assam Saurakshani Sabha, Gauhati Kai-varta Sammilan, Gauhati Hindu Sabha, the Bar Association, Chhindwara,

the Bar Association, Jubbulpore, the Gurudwara Prabandhak Committee, Sisganj, Delhi, the Secretary, Cambridge Mission, Delhi, the Women's Indian Association of Madras, the Burma Provincial Hindu Sabha, Khalsa Diwan, Burma, the Europeans Association, Calcutta, the Bengal Sanskrit Association, the Bombay Presidency Social Reform Association, the Bombay Presidency Women's Council, the Madras Hindu Association, Rangoon, the All-India Sanadhya Mahamandal, Agra, the Unewal Brahmin Sudharak Yuvak Mandal, Khakharea and the All-India Bharat Varshiya Agarwal Mahasabha, Calcutta, have all supported my Bill. Now, I come to those who have criticised the Bill and want to go farther than the provisions contained in the Bill. The first criticism which is general is that the word "sale" has not been defined. I think that this can be done by the Select Committee which I have suggested. The second criticism is that the punishment proposed is inadequate. I think that can also be done by the Select Committee. The third objection is that section 372 of the Indian Penal Code is enough. But the words in that section are "if one sells a girl for immoral purposes"; but here it is no case of selling a girl for immoral purposes, but for regular marriage. So the case which I am referring to this august Assembly will not be covered by that section. The fourth objection is that the Sarda Act is there and the age proposed in this Bill is the same as that in the Sarda Act, and so, if that Act is made more effective in the same direction, it would be enough. I say, the age of the girl can also be increased by the Select Committee, and I wish to emphasise it that I want stoppage of selling of girls for marriage purposes; and if any changes are proposed in the Select Committee or by the House, I am willing to accept the same. I am open to conviction. It is simply in the human interests that I want this Bill to be passed, and the poor girls who are tied down to those persons will be saved. It is also pointed out that the object and reason for this Bill is to prevent widowhood in case of great disparity of age. Only those people will pay big sums of money who are older in age: those who are young can get brides, but those who cannot get brides have, of course, to pay a large sum to get them. So, if this Bill is referred to Select Committee the criticisms can be considered there and rectified. With these few words I move my motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

"That the Bill to protect Minor Girls be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable the Home Member, Sir Abdur Rahim. Mr. K. C. Neogy, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. Muhammad Yamin Khan, Sardar Nihal Singh, Goswami M. R. Puri, Sir Hari Singh Gour, Mr. F. E. James and the Mover, with instructions to report within a week, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

**Mr. B. Sitaramaraju** (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, there is no doubt that the object which my Honourable friend has in view is good. He wants that minor girls should be protected. He was frank enough to say even on the last occasion that the Bill was not properly drafted, and that any drafting defects there might be could be remedied in the Select Committee. But my friend has not realised the difficulties of sending a measure, as he has conceived it, and in the form in which it stands now, to the Select Committee for remedying any defects in it. In order to appreciate not so much the principle of the Bill as the value of this legislation, I think we should consider two or three circumstances. Now, what exactly is

[Mr. B. Sitaramaraju.]

my friend driving at in order to protect minor girls? His first idea is, according to his Statement of Objects and Reasons, that there shall be no inequality of ages between a bride and a bride-groom. That, however, is not provided in the provisions of the Bill and obviously difficult to have a cut and dry provision and the second point is that girls should not be treated as commodities. As I have said, Sir, we have nothing but sympathy for the view that minor girls should not be treated as commodities. But, my friend has not taken note of the legislation which we already have on the subject. If selling as he calls it, though the word "selling" has not been defined and is incapable of being properly defined in a matter like this, if selling of a girl is done for monetary considerations and for an improper use, then we have the Indian Penal Code which deals effectively with such crimes. If it is not for immoral purposes, but is merely for purposes of giving the girl in marriage, then we have the Sarda Act. The Sarda Act says that there shall be no marriage if a girl is of the age which my friend has in mind. Therefore, whether it is for an immoral purpose or for a marital purpose, if a girl is minor, then there is already legislation which can effectively deal with both classes of these moral offences. He has not provided for girls above the age of 14 to come under the operation of this Bill, but it is just as bad if a girl above the age of 14 is sold as a girl under the age of 14 is sold. In our part of the country selling is meant to be for a monetary consideration. That being so, all marriage transactions where monetary considerations pass must be considered as sales. At the time of marriage, two forms of monetary considerations generally come to pass. One is called the *Kanya-sulka*, and the other is called the *Vara-sulka*. In both cases, certain monetary considerations do pass in this way. If that is considered an offence, then there is no reason why the bridegrooms sold under one of these categories should not be protected just in the same way as girls. From a purely Shastric point of view, these monetary considerations are always held bad, and even as early as in pre-historic days, Manu says that even a cow, if it is given as a consideration for marriage, could be considered as a monetary consideration and, as such, would constitute an offence against religious purity and render the marriage unpraiseworthy. Therefore, there is no doubt that from the point of view either of the Shastras or from the point of view of our ordinary notions of morality or of civilization, monetary considerations are bad and should be discouraged, but how legislation can effectively deal with such problems, I for one am unable to see, because all these matters depend more or less upon the way in which society looks at them. If the society looks upon with disfavour, then, by the mere force of public opinion, the people concerned can be dealt with more effectively than by legislation, and that, often, is the only effective remedy. But, Sir, monetary considerations, not only in this country, but all over the world, are realised as bad, and yet allowed to pass. They have been known to exist among all classes of people and in all countries. For instance, an aristocrat bankrupt is sold to an heiress of the lower orders in America today and patrician ladies in poverty are sold to the newly rich of the middle classes.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadian Urban) : Sells herself.

**Mr. B. Sitaramaraju :** Parents themselves offer in marriage their girls in consideration of the status or money which a husband is willing to offer as consideration. That is one class of people. Then there is the other class also to which my friend, Diwan Bahadur Mudaliar, just referred, that is, where the girls themselves sell, for money, irrespective of every other consideration, just for the sake of that money, though the bridegrooms may differ temperamentally, though they be too old, and though they may be objectionable in every other conceivable way. Therefore, I do consider that in a matter of this kind, it is far better to leave the matter for public opinion to put such restraint as it possibly can, instead of resorting to legislation, which, for all practical purposes, can at best remain a dead letter. My friend referred to certain opinions which were given on his Bill. He evidently misunderstood that the opinions which were expressed in his favour as opinions expressed in favour of the provisions of the Bill. They are merely opinions expressing their approval for the object he had in view. I will read only three important opinions without taking much of the time of the House. The High Court of Madras says : "The Honourable Judges consider that the Bill is unnecessary.....".

The opinion of an eminent lawyer, Sir P. Sivaswami Aiyer, is as follows :

"The object of the sponsor of the Bill may be good, but the Bill is so ill-considered and ill-drafted that it should be rejected. It is very doubtful whether the framer of the Bill has any clear ideas in his own mind as to what he wants. He states that the evil of daughter-selling has assumed dangerous proportions in Hindu society. It is not clear whether he refers to selling in marriage or for immoral purposes. I do not believe that this evil has grown in this Presidency. On the other hand, the practice of the sale of the bridegroom by this parents or by himself is far more rampant. So far as the sale of girls for immoral purposes is concerned, it is adequately dealt with in the Penal Code.

The author of the Bill states that he wishes to provide for the protection of minor girls and against the disparity of age between the bride and bridegroom. There is no reason why he confines the protection offered by his Bill to girls below the age of 14. Marriage of such girls is already prohibited by the Sarda Act. There is no reference in the Bill to sale for purposes of marriage, nor to any inequality of age between the bride and the bridegroom. There may be great disparity of age between the bride and the bridegroom even in cases where the girl is above 14 years of age. There are numerous other objections to the Bill, but it is unnecessary to refer to them in detail in view of the exhaustive criticism of Captain Lal Chand which has torn it to shreds."

With one more opinion I shall close, and that is the opinion of the Advocate General of Madras :

"If the object of the framer of the Bill is to strike at sales of girls, the sale of girl above 14 is as much objectionable as a sale of girl under 14, though it has to be admitted that there is a greater possibility of a girl above 14 exercising some sort of discretion of her own than a girl under 14. Among the lower classes of the Hindu community certain forms of marriage are prevalent in which a small sum of money at present is paid as a part of the marriage ceremonial. A question may arise whether those forms of marriages are hit by the Bill. A small settlement of property on the parents of the girl or an advance for the expenses of the marriage, it may be urged, may bring the particular marriage under the expression of 'sale' in the section.

There is also this further point that the Child Marriage Restraint Act has made it an offence for any person above the age of 18 to contract a marriage with a girl below 14 years of age. If the sale is for purposes of prostitution or for illicit intercourse or for unlawful purposes the same is already an offence under section 372, I. P. C.

On all these grounds I think no purpose is served by the Bill and the matter may be left to the growing social consciousness of the people."

[Mr. B. Sitaramaraju.]

I do not wish to refer to other adverse opinions, but I find there are many such opinions with regard to both the terms in which the Bill is drafted and the points which my Honourable friend mentioned. When I say that the Bill will not serve any useful purpose by being referred to a Select Committee, I am not actuated by personal or communal views. I say so on the opinions that I have just now read out to the House by eminent men. I will say at once that so far as we as a community are concerned, we do not practise neither *Kanya-Sulkam* or *Vara-Sulkam*, i.e., the sale as you may call it of the bride or the bridegroom. There is no such practice as the system of passing monetary considerations at the time of marriage in my community. If, at the time of marriage, even a small coin is given, that will be construed as a monetary consideration, and, therefore, in our community, it has been jealously practised that such monetary considerations should not be allowed to interfere on marriage occasions.

**An Honourable Member :** Is your objection only to monetary consideration ?

**Mr. B. Sitaramaraju :** There are other considerations also, but for the present we are considering only the monetary consideration. Though the Kshatriya community in Northern India still practise dower and other monetary considerations, we do not. Therefore, I am not interested from any communal point of view in opposing the motion. On the whole, the Bill, as drafted, will not serve the purpose which my Honourable friend, the Mover, has in view, namely, the protection of minor girls before the age of 14. We have got already two Acts, one the Sarda Act for the marital age, and the other the Indian Penal Code as regards immoral purposes. These two amply cover the ground which my Honourable friend wants to provide for, and to enact another piece of legislation is, from the point of view of principle, bad. You cannot have two legislations and two sets of punishment on one and the same transaction, and that is always considered to be bad from the point of principle of legislation. I consider, therefore, that no useful purpose will be served by referring the Bill to a Select Committee, and so the motion should be opposed.

**Rai Bahadur Lala Brij Kishore** (Lucknow Division: Non-Muham-madan Rural) : Sir, the object of the Mover of the Bill is a very laudable one, and I do not think that there is any difference of opinion with regard to this matter. This Bill, as framed, in reality concerns only girls who are below 14 years of age, and sometimes these girls are given in marriage for money consideration. This Bill has been introduced to stop this practice. It often happens that because there is no custom of widow remarriage in the higher castes of Hindus, if people of 50 or 60 years of age want to marry, naturally, as there are no widows available, they must marry minor girls of 12, 13 or 14 as the case may be. Sir, the evils of early marriage are best known to us. As a social reformer has said, "impression, good or bad, made in the time of childhood can never be effaced in after-life, and the illiterate mothers of unripe age and experience can never be expected to exert that wholesome moral influence on their children which can be of substantial good to them in the battle of life". The principle of the Bill is very sound, and I do not think that there can be any objection to the acceptance of the principle. Some opinions are to the effect that the Bill is badly drafted.

These defects can be removed when the Bill goes to the Select Committee. For the present, I support this Bill going to a Select Committee.

**Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, from the moral point of view I would certainly like to have a Bill of this nature passed. But there are several difficulties which make it difficult to have a legislation of this kind. So far as my part of the country is concerned, from time immemorial there is a custom amongst Muhammadans, not of the very lowest class, but except and barring those richer people and those Muhammadans of higher class.....

**An Honourable Member** : You speak for the Hindus.

**Mr. Lalchand Navalrai** : I am coming to Hindus also. Because this Bill applies to both communities, it is not restricted to Hindus only. I shall come to Hindus also and show whether this Bill should be taken into consideration or not. I was saying that amongst the Muhammadans, barring the higher classes, and taking the Hindus, the Hindus of lower classes, who are not very few in the country, there is a custom by which they marry their girls for money. The father gets the money, the mother gets the money, and they marry their children. They do not consider that immorality at all.

**Lieut.-Colonel Sir Henry Gidney** (Nominated Non-Official) : How do you know ?

**Mr. Lalchand Navalrai** : Not the Anglo-Indians I am talking of. There is a custom where they do not consider in the least that it is a harm or a degradation, and that is going on for a very long time. Would that mean selling ? If that is selling, then that would come under this. But if there is a custom to that effect, custom prevails over the law too. If you pass this Bill and there is a custom to that effect, the law will not over-ride that custom. Therefore, I submit, there are difficulties with regard to this Bill being passed. Not only that, but the money that these people give is being used for the purpose of the nuptial rites too. They use the money for the expenses that are required for the ceremonies or for some other purposes ; they make ornaments for the girl. Therefore, I submit that, so far as that is concerned, this Bill will not be a practicable one.

Then, there is another kind of marriage which may also be considered as sale, and it is this. Instead of giving money in exchange, they give the daughter in exchange. A gives his daughter to B and in turn takes the daughter of B. Would that be sale or not ?

**An Honourable Member** : Of course not.

**Mr. Lalchand Navalrai** : If that is not sale, then sale is not defined at all. Exchange is also sale under the Contract Act—  
 3 P.M. a horse for a donkey. What I am submitting is this. I have very much sympathy with the Mover of this Bill. I would very much like that a Bill of this kind may be enacted, but there are difficulties, and I think the best course that we should adopt is that this should be left to those communities which are concerned in this matter and that this matter should be decided by social *panchayats* among themselves, because different customs and manners prevail in different parts of the country. So this Bill should be considered in that light.

[Mr. Lalchand Navalrai.]

The second objection that appears to me is this. We have already a legislation in force called the Sarda Act.

**An Honourable Member :** There is a motion for its repeal.

**Mr. Lalchand Navalrai :** I will certainly object to that Bill being repealed. It is of very great help in improving the society as also the vitality of the people. On the other hand, there is a defect in it, and I have put in a Bill which will come up before the House. It says that the Sarda Bill is not being implemented to the extent to which it ought to be, because people go across the border of British India into some Native State and then come back to India with impunity. The Government are doing nothing. I hope Government and especially the new Law Member will do something, otherwise that Act will be infructuous. There is, as I say, the Sarda Act in existence which punishes a man who marries his girl under the age of 14. That covers this also. If a man gives money and marries his girl under 14, he will come under the Sarda Act. Is not that sufficient punishment? Why should there be double punishment? On the contrary, my friend should support the Sarda Act rather than bring in this Bill. To pass this Bill will be inflicting one more punishment and nothing more. Even one punishment is enough. I am submitting that when the Sarda Act is in existence, this Bill is unnecessary. The Sarda Act should be fully implemented and people should be taught a lesson if they are going to contravene it. To give money and to marry is not good, but this custom has been in existence for a long time, and there may be difficulties in the way. I do not know the views of those people whom I represent and also the Muhammadan community in Sind and in the Bombay Presidency. If they are of opinion that this practice is wrong, then they will stop it.

**An Honourable Member :** Their opinions are on record.

**Mr. Lalchand Navalrai :** I have not read the Bombay opinions, I am sorry. I asked for them and could not get them. They were circulated a long time back. I came here only this morning from my place and I have not got those reports with me. My position is that I cannot possibly support this Bill without knowing full well the opinions of those people who actually contract such marriages.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand** (Nominated Non-Official) : Sir, when I moved for circulation of this Bill in the last Session at Delhi, I dwelt at length on some of the draw-backs that were apparent in this small Bill. I am not going to repeat all those arguments and will only refer to a few points for the consideration of the Select Committee. There is disparity in the opinions that have been received, but I would not repeat them because I do not wish to oppose the motion for Select Committee. But, all the same, I think, my friend, Mr. Lalchand Navalrai, is right when he says that these things should be left to the social reformers.

**Mr. Lalchand Navalrai :** Once in a way you think I am right.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** I think the Select Committee should be at liberty to say so. The object is laudable no doubt, but the remedy suggested is hardly commensurate with the objects which the Honourable Member has in view. Some of the apparent draw-backs of this Bill are : In the first place, in the Statement of

Objects and Reasons we have it, that this is a Bill for the protection of minor girls against inequality of ages of bride and bridegroom. There is not a word about this in the body of the Bill. The Honourable Member has at the back of his mind cases where minor girls are disposed of in marriage to elderly people. This is fairly common among the so-called advanced classes among Hindus, I mean the *mahajans* and Brahmins, but surely when he has mentioned that this is one of the objects of the Bill, he ought to have incorporated a provision in the body of this Bill to that effect. There is no mention of this in the clauses. I hope the Select Committee would consider this, and, if necessary, would add a clause to meet the object in view. Again, the wording of clause 3 is unhappy. It runs like this : If a parent sells his or her daughter before she has attained majority, etc. Does it mean that he will be free to sell the girl after she has attained the age of 14 ? Well, this should be remedied, because if it were so, the parent will only have to wait a few months or a few years before selling his daughter, and he will thus escape. Thirdly, the word "sale" is not a good choice. It means that when a minor girl has been disposed of and passing of consideration is not proved, then the accused is let off. We all know how difficult it is to prove the passing of consideration, and I think my Honourable friend ought to have said : "sells or otherwise disposes of". I hope the Select Committee will consider this point also. Then, fourthly, if a parent is to be punished for this offence, why not the man who induces the bride's parents to dispose of his daughter ? He should not go scot-free. I mentioned this point in my last speech, when I moved for circulation, and I refer to it now for the consideration of the Select Committee. Fifthly, Sir, the punishment provided is very mild, and I said last time that that showed there was some complicity between the culprits and the Mover of the Bill. We find that the corresponding section of the Indian Penal Code, section 372, under which the disposing of a minor girl takes place with a particular object, the punishment is ten years. It runs thus :

"Whoever sells, lets to hire, or otherwise disposes of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

There is, only this difference, that there in section 372 a particular object has been defined and that object is illicit or immoral intercourse. I admit, that in the present case, the punishment should not be ten years, but surely two months is ridiculous, if the Bill is at all meant to have any deterrent effect upon society.

**Mr. Lalchand Navalrai :** What is the punishment under the Sarda Act—it is only a fine.

**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** I was not present when the Sarda Act was passed, and for the law Courts it is practically a dead letter.

**Mr. Lalchand Navalrai :** I hope you were present when the Indian Penal Code was made.

**The Honourable Sir Henry Craik** (Home Member) : Simple imprisonment for one month,—under the Sarda Act.





**Hony. Captain Rao Bahadur Chaudhri Lal Chand :** Lastly, Sir, the Preamble says :

“Whereas the evil of daughter-selling has assumed dangerous vogue in society”.

Now, it will be for the Select Committee to go through the opinions that have been received. Sir, those opinions do not support this sort of aspersion upon the whole of society. It may be prevalent in certain communities, it may be so in a few cases, but surely this evil of daughter-selling has not assumed dangerous vogue in the whole of society. I hope the Select Committee will amend this also suitably. I am glad the Honourable the Mover has himself agreed to the raising of the age in the Bill from fourteen or sixteen to eighteen and the Select Committee may consider what is the proper age to adopt. Then, again, Sir, the offence has been made cognizable. Well, this will be giving another handle to the so-called bureaucracy and will unnecessarily add to the work of the Honourable the Home Member who is already over-worked ; there will be so many questions of the police interfering in such and such a case and so on and I think it is for the Select Committee to consider this point also. Sir, I have nothing more to add, but I do not oppose this Bill at this stage.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, the Bill, as it is drafted, appears to me to be quite unnecessary, and it will lead to a series of prosecutions and a series of troubles on account of the interpretation to be placed upon the word “sale”. Sale may mean anything—the changing of one commodity for another commodity. Now, suppose in the case of sale, as is usually the custom, money or ornaments or clothing or property are given to the bride at the time of the marriage, then does it or does it not amount to a sale ? This is a very important question.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Brides are not commodities.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Bridegrooms are !

**Dr. Ziauddin Ahmad :** If the bride is not a commodity, then the question of sale according to the General Clauses Act will not arise. (Laughter.) The question that will arise is this. This is the usual custom amongst various people that certain things are always given to the bride at the time of the marriage ceremony. Very often the father of the bride, if he finds that the father of the bridegroom is very extravagant, takes jolly great care to see that certain properties are put down in the name of the daughter so that the whole property may not be wasted. It is also very customary that people give money on such occasions not only to the bride, but also to the father of the bride, the mother of the bride and their relatives at the time of the ceremony (Laughter) ; it may be given in the shape of money, it may be given in the shape of clothes or in some other form. Then all these things will come under the definition of “sale” if this Bill goes through. Sir, I find that the general opinion of the various Local Governments is definitely against this. Thus, the United Provinces Government says :

“The Governor in Council does not approve of the Bill as drafted and is inclined to think that legislation in this form is not required.”

Now, in the case of Baluchistan, I draw attention to Extract No. 7—The Honourable the Agent to the Governor-General and Chief Commissioner is also definitely against this legislation and the Political Agents think that this will be a very unpopular move in Baluchistan. Coming to the North-West Frontier Province, there also :

“ the Bill, as it stands, virtually finds no support from anyone consulted on the subject in this Province ” (*vide page 12 of Paper No. 1*).

“ The grounds on which it is opposed are :

- ‘ (1) It would be unpopular and contrary to established custom.
- (2) It would be impossible to enforce.
- (3) It is unnecessary in view of the provisions of section 372, Indian Penal Code, and of the Child Marriage Restraint Act.
- (4) It would not effect the purposes which it seeks to achieve.
- (5) It does not go far enough.

The Governor in Council is therefore of opinion that the Bill is redundant ’.”

That, in effect, then, is the opinion of the three Governments which I have quoted and I do not see any reason for enforcing this Bill ; I foresee enormous difficulties in interpreting the meaning of the word “ sale ” ; and I am afraid even the ordinary marriages which are now performed in good faith, and without any question of immorality or otherwise, might be dragged in by one magistrate or other in a Court of law by someone giving a wrong interpretation to the word “ sale ”, because unless the word “ sale ” is very clearly defined, it would be exceedingly difficult to accept it in this particular form. Sir, for all these reasons, I oppose this Bill.

**The Honourable Sir Nripendra Sircar** (Law Member) : Sir, I want to place before the Honourable Members of this House an idea of the position under the Hindu law of marriages where money is paid. I shall be extremely brief, and I propose to read from page 484 of the last edition of Mulla, paragraph 428 :

“ (1) The ancient Hindu law recognised eight forms of marriage, of which four were approved forms, and four unapproved. The only forms of marriage now recognised are—

- (i) the *Brahma* form, which is one of the approved forms ; and
- (ii) the *Asura* form, which is one of the unapproved forms.

(2) Where the father or other guardian of the bride gives the bride in marriage without receiving any consideration from the bridegroom for giving the girl in marriage, the marriage is called *Brahma*. But where he receives such consideration, which is technically called *sulka* (a word which was used by my Honourable friend Mr. Sitaramaraju) or bride's price, the marriage is called *Asura*, even though it may have been performed according to the rites prescribed for the *Brahma* form. The test in each case is whether any consideration was received by the father or other guardian for giving the girl in marriage. The mere giving of a present to the bride or to her mother as a token of compliment to her does not render the marriage *Asura* marriage.

(3) Hindus belonging to any class (*this is the conclusion*) may now marry either in the *Brahma* form or the *Asura* form. Thus a Brahman may contract an *Asura* marriage, and a Sudra may contract a *Brahma* marriage.”

Therefore, the position is this, that under the Hindu Law it is well recognised that there may be a valid marriage although price or consideration for the bride has been paid. Speaking for myself. I come from a Province where we do not hear of sale of brides, but we hear

[Sir Nripendra Sircar.]

every day of the sale of bridegrooms. Sir, I would not have opposed this measure going to the Select Committee, if I had felt that there, by the joint efforts of the Members of the Select Committee, any effective shape or form could have been given to this Bill. But I do consider that that is absolutely hopeless, and for this reason. The Honourable the Mover said that the word "sale" might be defined by the Select Committee, but I very much wish he had given me some idea of what he meant by "sale". If he could give us that idea, there may not have been much difficulty in the Select Committee to put that idea into legal form. I think, if I am not wrong, what he has in his mind is the extreme case, namely, of a guardian or a parent who, without any consideration for the welfare of the girl, takes a sum of money being induced thereby by somebody who wants to marry the girl. That is an extreme case. But my Honourable friend has got to bear in mind that, between that extreme case and cases at the other end, there will be infinite gradations. For instance, what I mean to say is this. Supposing, in the case of a marriage, the father of the bride says : "I want Rs. 500." He has the best interests of his daughter at heart. He wants this Rs. 500, because probably he is too poor to pay for any ornaments for the girl. In another case, it may well be that the poor father wants some money because he is unable to meet even the marriage expenses. Now, is that going to be a sale where the father receives money, but he receives it from no improper motive, but from the proper motive of helping the girl? Surely that case is not intended to be covered by the Mover of this Bill. Let us now take an intermediate case, that is to say, where the father gets a thousand rupees and intends to invest Rs. 500 for the benefit of the girl and wants the remaining Rs. 500 for himself. Will that be a case of sale? Consideration may be anything; it may be in the shape of coin or it may be in the shape of presents, such as clothing, etc., or it may even be two baskets of sweets that may be sent. Consideration does not necessarily mean silver or gold coins. Therefore, I feel that, however, gallantly the Select Committee may try to put this Bill into shape, I am afraid they will fail. For that purpose, and for no other purpose, I would strongly object to this matter being referred to the Select Committee and thus avoid a waste of time of several Honourable Members of this House.

Sir, I have spoken on this Bill although I am not the Member in charge of this Bill. But I thought that it would be better to place my views as a lawyer before the Honourable Members of this House for their consideration to show that the idea, laudable as it is, is so impracticable to be carried out into the form of a Statute that no object will be gained by referring this Bill to a Select Committee.

**Mr. S. C. Sen :** Sir, I oppose the reference to the Select Committee of this Bill. I do not understand what is meant by this Bill and what defects are to be surmounted by the provisions of this Bill. The Bill prohibits the sale of a minor girl. Now, I do not understand the meaning of the word "sale" that has been put in this Bill. A sale may mean the exchange in consideration of price and such a price may be either of monetary value or otherwise. To avoid this confusion, provision has been made in the Sale of Goods Act that the price in that Act must be monetary. But nothing is said about it in the Bill. Now, what is the

meaning of a monetary price ? As the Honourable the Law Member has explained, anything that you may pay during the marriage must be considered to be a price. Now, Sir, amongst the Hindus also, in the case of the lower classes in Bengal, such as milkmen class, they have to pay cash. There are also some Brahmins in Bengal who have a similar custom. (Interruption by Mr. Gaya Prasad Singh.) I do not know about Bihar, but I am told that a similar custom exists there amongst the Brahmins. I do not know whether the same custom is followed by the Rajputs, but, probably, they still practise what they did in ancient times, the abduction of girls from their house ! Sir, even amongst the Muslims, at the time of the marriage, there is a system called the *Mehr*. It is obligatory and its payment may be prompt or it may be deferred. So far as the prompt portion of the *Mehr* is concerned, it must be paid in cash.

**Khan Bahadur Mian Abdul Aziz** (Punjab : Nominated Official) : This amount is payable to the wife, and not to her parents.

**Mr. S. C. Sen** : Yes, it is payable to the bride ; here also the money is payable to the bride. The payment is in consideration of which the bride is transferred to the bridegroom. That is the Muhammadan Law. Will that also be affected under the provisions of this Bill ? Will it be a sale of the bride for a monetary consideration paid by the bridegroom ? Therefore, this Bill will affect everybody in their honest endeavour to marry their children. If it is supposed that the marriage is to be banned, then we can all support this Bill, but we have not yet come to that stage. In these circumstances, without taking any more time of the House, I would protest against this Bill. This is a mischievous way of doing reform work in this country. Let the society proceed further in their own efforts, and let public opinions grow and we shall be able to effect proper reforms.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir (Applause), I am somewhat astounded to find an occupant of the Treasury Benches as an apologist for the Shastric law. My Honourable friend, Sir Nripendra Sircar, has quoted a very ancient Sanskrit Shastric law.

**The Honourable Sir Nripendra Sircar** : But that is from an edition of 1934. (Laughter.)

**Sir Hari Singh Gour** : I am afraid that my Honourable friend probably looks at the title page and not at the contents of the book. (Laughter.) It deals with eight forms of ancient marriages, and if he will read that very page of the text, he will find that one form of marriage is marriage by capture.

**The Honourable Sir Nripendra Sircar** : Allow me to say that the case as given in the foot notes is of 1911, 1921, 1923 and 1933. If I make a diligent search, probably I shall get a case for 1934 also.

**Sir Hari Singh Gour** : I am afraid my Honourable friend has not understood what I said.

**An Honourable Member** : It is very difficult to understand.

**Sir Hari Singh Gour** : I was referring to the eight forms of orthodox marriages which the Shashtras enumerate as current in their time. I was not dealing with the cases which deal with marriages in which

[Sir Hari Singh Gour.]

a price is received by the parent or guardian in return for the bride or the daughter given away in marriage. When I was dealing with those eight forms of marriages, I was mentioning that one form of marriage that was at one time customary was the marriage by capture. If my Honourable friend refers to the eight forms of marriages, the *brahma* form and the *asura* form, etc., my Honourable friend cannot forget that, out of these eight forms of marriages, at least six have fallen into desuetude.

**The Honourable Sir Nripendra Sircar :** That is what I read out.

**Sir Hari Singh Gour :** All the former forms of marriages, which custom has perpetuated up to date, is regarded as a very low form of marriage and they are described as forms of marriages which Hindus are not enjoined to contract. Now, Sir, we are not, therefore, affected in the slightest degree by the citation of any Shastric text-books. If Honourable Members will re-call the history of this measure, they will find that its genesis lies in a measure introduced in the first Assembly known as the Age of Consent Bill, afterwards converted into the Children's Protection Bill. The object of that Bill was to protect minor children against being given away in marriage to ineligible husbands. That Age of Consent Bill did not deal with marriages, but dealt with the pollution of girls before they attain the age of full maturity. The object of that Bill was to protect minor children, and Honourable Members will remember the long and chequered history of that measure, introduced though in the first Assembly, it passed through the gamut of the first, second and the third Assembly, the Government opposing all the time. But when they found that the phalanx of public opinion and of the Members of this House was strongly in its favour, they adopted the flank movement of consenting to appoint a Committee to go into the whole question affecting young children. That Committee, presided over by Sir Moropant Joshi, went through the length and breadth of the country and very strongly supported a measure to protect children being given away in marriage or being subject to carnal intercourse before they had attained the age of discretion. Following the report of that Committee, one of us drew up a revised Bill, the Age of Consent Bill No. 2, and it was introduced in this House as the Children Protection Bill. That Bill again encountered opposition from the Government Benches with the result that it made no progress. Sir, when I dealt with measures of social reform that have been introduced into this House during the last 14 years, I felt that the contribution of the Government during those 14 years has been not one of mere apathy, but one of active hostility. I can well understand that the collectors of taxes and the preservers of law and order are not concerned with the betterment of the nation. (Hear, hear.) But when the Government find themselves confronted with a strong body of public opinion in favour of the protection of children, then it is that the Government had to yield, though reluctantly yield. So it happens that the age of consent was reluctantly raised from the age of 12 to 13. Now, Sir, what this Bill wishes to do is to protect minor children against being sold away in marriage for valuable consideration. Honourable Members on this side of the House have criticised this measure as being somewhat unprecedented in its character. Those who have done so must be suffer-

ing from short memories, because only last year this House, with exultant enthusiasm, passed a measure for the protection of girls and boys below a certain age being sold away by their parents for the purpose of doing compulsory labour or compulsory work. Let me re-call the facts of that case, and Honourable Members will see in a moment the analogy between that measure and the measure which has been introduced now. In Act II of 1933, the object was as stated in the Preamble in the following terms :

“Whereas it is expedient to prohibit the making of agreements to pledge the labour of children and the employment of children whose labour has been pledged ; it is hereby enacted as follows ”.

Then follows the Act, and so on, and it says :

“In this Act unless there is anything repugnant in the subject or context an agreement to pledge the labour of child means a certain agreement which is hereby defined.”

Then, it says that an agreement to pledge the labour of a child shall be void. Now comes the operative clause :

“Whoever being a parent or guardian of a child makes an agreement to pledge the labour of that child shall be punished with fine which may extend to Rs. 50.”

And, then, there are two other clauses. Now, the principle of that Bill which culminated in Act II of 1933 was that the parent or guardian should not compulsorily pledge the labour of his child for a valuable consideration. I ask, *a fortiori* does it not follow that the parent or guardian shall not dispose of for all time his child for a valuable consideration ? I submit that if it is illegal for the parent to dispose of his child for labour, how much more illegal it should be to dispose of that child in marriage ? Because compulsory labour might affect the child in health, but compulsory marriage destroys the very soul of that child.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I, therefore, ask this House one question. This House stands committed to the principle of the Bill which became enacted as Act II of 1933. That Bill suppressed a long-standing custom, and if my friend, the Law Member, had been in the place which he now occupies, I am sure, he would have got hold of some school book on Hindu law and quoted from it verses to show that children and cattle belong to the parent and the parent is able to dispose them off at his sweet will. He would have said, “How can you possibly pass a Bill of this kind when the Shastraic law,—and what is more than Shastraic law, custom which is the transcendental law,—establishes the right of the parent to give away his children, to pledge his children and dispose them off for labour ?” That, I submit, is the argument which has been advanced today. I ask this House to dismiss that argument as not worthy of the distinguished gentleman from whom it emanated. Let us look at the question in its broad aspect. Does anybody in this House approve of the parent selling his daughter to another person, not out of love or affection, but in return for a price ? I am quite sure that stated in this naked light there will be no one in this House.....

**The Honourable Sir Nripendra Sircar :** Naked what ? (Laughter.)

**Sir Hari Singh Gour :** When my Honourable friend finds it difficult to argue, he descends to jeering. My Honourable friend, Mr. Lalchand

[Sir Hari Singh Gour.]

Navalrai, tells me that this is one of the tactics of the legal profession. No doubt it may be the tactics of the pettifogging profession, but not of the learned profession to which he and I and Mr. Lalchand Navalrai belong.

Now, Sir, I, therefore, ask this House to dismiss from its mind all questions which are not germane to the main discussion. The question that is germane to the main discussion is, can you tolerate and sanction the sale by the parent or guardian of his daughter for a price? If you do not and cannot, then the right principle underlies this Bill. I quite admit that the Bill is ill-drafted; I equally admit that clause 3 of the Bill is open to the objection which my friend, Captain Lal Chand, has pointed out. But the question is not at the present moment whether the Bill is well or ill-drafted, but whether it embodies a principle to which this House should not stand committed. And that principle.....

**The Honourable Sir Nripendra Sircar :** Will my Honourable friend give us some idea of a definition of "sale" which he would like to be embodied in this Bill? What is "sale"?

**Sir Hari Singh Gour :** My friend asks me a question. May I ask my Honourable friend to read Act II of 1933 which not only deals with the point to which he has referred, but amply provides for any evasions on the part of any parent or guardian to dispose of their children?

**The Honourable Sir Nripendra Sircar :** Do I understand that Sir Hari Singh Gour is unable to give a definition of "sale" for this Bill?

**Sir Hari Singh Gour :** Sir, I will not descend to quibbling. I shall ask this House to deal with the question in a broad and statesmanlike manner; and if the House is of opinion that it is not in the interests of the child any more than it is in the interests of the parent or of the society to which both parents and children belong that children should be disposed off in marriage in return for a price, then, I submit, a sufficient case has been made out for committing this Bill to a Select Committee.

**The Honourable Sir Nripendra Sircar :** What is the definition of "sale" you propose?

**Mr. Vidya Sagar Pandya (Madras : Indian Commerce) :** If there is bankruptcy of legal talents on the Government side, the Select Committee can find out some definition.

**Sir Hari Singh Gour :** My friend asks me what is the definition of "sale" that I propose. I have already said, Sir, that neither the author of the Bill nor the supporters of it on this side of the House are committed to the phraseology of that Bill. What they want is that marriages should not be contracted by parents and guardians in return for a consideration, and for that and no other purpose. That question is a very simple one. If you do not like the word "sale", use the language of Act II of 1933. That was a case popularly known as the sale of children for labour; and when the Bill was originally drafted, it was very inartistically worded. But when we went into Select Committee, we threshed out such questions as the Honourable the Law

Member has raised, as to whether we should use the word "sale" or "dispose off for consideration"; and, after a careful inquiry, we used the language which you find embodied and enshrined in this Act of the Imperial Legislature, so that there will be no difficulty about finding suitable words if we only knew how to do it.....

**The Honourable Sir Nripendra Sircar :** I profess my ignorance, but what is the definition of sale?

**Sir Hari Singh Gour :** My Honourable friend asks me, what is the definition of sale? I will enlighten him in the abstract. (Laughter.) You have section 54 of the Transfer of Property Act, and you have the definition of sale in the Sale of Goods Act, and now we shall add another sale in the Sale of Brides Act, and there will be no difficulty in describing the mischief which you have to arrest, namely, the disposal of girls for valuable consideration, and, if I was in the Select Committee, I would follow exactly the language of Act II of 1933, intended to prohibit the sale of children for compulsory work. The definition is a very long one.....

**The Honourable Sir Henry Craik (Home Member) :** We want to hear it.

**Sir Hari Singh Gour :** The Honourable the Home Member is new to this House, and I should certainly like to oblige him by reading the definition of sale or disposal in section 2 of that Act. It says :

"In this Act unless there is anything repugnant in the subject or context, an agreement to pledge the labour of a child means an agreement, written or oral, express or implied whereby the parent or guardian of a child in return for any payment or benefit received or to be received by him undertakes to cause or allow the service of the child to be utilised in any employment....."

**Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadan Rural) :** That is a definition for pledging.

**Sir Hari Singh Gour :** If we can define pledging, we can also define sale (Laughter) :

"Provided that an agreement made without detriment to a child and not made in consideration of any benefit other than reasonable wages to be paid for the child's services and terminable at not more than a week's notice is not an agreement within the meaning of the Act.

Child means a person who is under the age of fifteen years.

Guardian includes any person having legal custody of or control over a child."

Now, if I had to paraphrase this and adapt it for the present purposes, I should have no difficulty whatever. (Laughter.) I should say that an agreement to marry a child for money means an agreement to marry the child for valuable consideration....

**Diwan Bahadur A. Ramaswami Mudaliar :** Means to give a child in marriage—not to marry the child! (Laughter.)

**Sir Hari Singh Gour :** I am dealing here with the parent or guardian disposing of the child—or to use a popular expression—selling a child in marriage, and then, as I have said, the language of Act II of 1933 could be easily adapted to serve the purpose we have in view.

**The Honourable Sir Nripendra Sircar :** You cannot do it : it might be easily adaptable, but you have not been able to do it.



**Sir Hari Singh Gour :** I am not the Select Committee : I am only a member of it, and the Honourable the Law Member and the official draftsman will assist the Select Committee to make a suitable draft upon the lines on which this Act of 1933 was drafted and subsequently enacted....

**The Honourable Sir Nripendra Sircar :** I inquired from the official draftsman ; he told me he would be unable to draft it even if his salary is increased.

**Sir Hari Singh Gour :** My friend says that the official draftsman would not be able to draft it even if his salary is increased. The Select Committee then would say that, if he does not draft it, his salary should be decreased (Laughter), and then a suitable draftsman would be forthcoming. I quite see that in a matter of this kind there must be difference of opinion and that public opinion must be sharply divided upon these questions. What question of great national importance has ever engaged the attention of this House that has not sharply divided public opinion for and against it ? I have not yet come across any measure of this importance passed by this House during the last 14 years on which public opinion was not ; and in a case of this kind where public opinion is expressed by the mere man and you have not an expression of opinion of these unfortunate children who are disposed of in so-called marriages for life, or of the women's organisations which are only in their inception in this country, I should be extremely chary of public opinion and I should, therefore, rely more upon what I consider to be the innate justice of the case than upon the preponderance of opinions collected from the male public of this country. I do not for one moment profess to be enamoured of the language of this Bill, and if I were free at this stage to criticise it, I should certainly be as hypercritical as my Honourable friend, the Law Member. But we are not here concerned with the language of the Bill : we are here concerned with the principle of it (Hear, hear from the Opposition Benches) ; and I ask this House to send this Bill to Select Committee to lick it into shape, make it a workable measure, circumvent all the objections that may be raised against it and consider calmly and deliberately the fundamental question which we want the Select Committee to consider, and that is, whether a girl should be given away in marriage in her nonage, not for her own benefit, but for the benefit of her parent, guardian or custodian. That, I submit, is a question which calls for a humanitarian answer, and I am quite sure that the Honourable the Home Member will realise the importance of the subject upon which we are engaged and he would not offer unnecessary opposition to the committal of this Bill to the Select Committee. (Applause.)

**Diwan Bahadur A. Ramaswami Mudaliar :** Mr. Deputy President, if I rise at this stage to speak a word or two on this Bill, it is due to two reasons. I am afraid that the half hour of hilariousness which this House has passed would give an extremely incorrect impression of the feelings of Members of the House with reference to the merits or otherwise of this measure, and I wish to avoid that feeling—a completely incorrect and mistaken feeling as I venture to state it—going abroad from this House.

4 P.M.  
With the object of protecting girls from what may be termed unfair marriages or unsuitable marriages which bring misery on the girl, I do not think there is any individual sitting on either side of the House who will not sympathise. In fact, almost all

of us are parents or have had to deal at one stage or other with the marriages of girls or have come to know of the unfortunate condition in which some of the marriages, conceived with the idea of promoting the happiness of the girl, have ended. But, Sir, two points arise in the consideration of this measure. Is the worst aspect of the case the case where a girl is given in marriage in return for a monetary consideration for the parent and exclusively for the parent? As I shall show presently, this Bill includes the case where the consideration is utilised by the bride herself. Even that, according to this measure, would mean a sale of the girl. Take the extreme case. A parent receives a certain consideration and gives his girl in marriage to a person. Is that the only or the most extremely unhappy case for the girl? Let me put certain other cases which have occurred in society, and which have promoted, not the happiness of the bride, but extreme misery. A man is wealthy, lives in luxury, keeps a fleet of motor cars, and a parent thinks that by giving his girl in marriage to such a man, all that could be accomplished by money, as my friend Raja Bahadur Krishnamachariar would say, can be accomplished. It turns out that it is a most miserable marriage for the bride, because there may be unsuitability of age, unsuitability of temperament, unsuitability in views and outlook on life, and that marriage is one of those which could really be called an *asura* form of marriage, if the spirit of the ancient writers has any value at all for modern society. There are many other cases which can easily be conceived where brides, who have been given away in marriage with the best of intentions by the parents without any iota of selfish thoughts for themselves, have ended their lives miserably and unhappily. My friends Mr. Sitaramaraju and the Honourable the Law Member, referred to some of those cases. There is a practice which has grown to enormous proportions during the last few years in many Provinces whereby the parent of the girl is forced to give a heavy dowry to the boy in consideration of the boy marrying the girl. That is what they term as selling the boy rather than selling the girl. What happens in these cases? Sir, I have very vivid recollections of the tragedy that has overtaken these marriages and of the fate of the girl when the promises held out by the parent of the girl were not redeemed in course of time. I can recollect many individuals who have played what I consider a dastardly part of the bridegrooms,—some of them are foremost in the political life of the country today,—who, because they have not received the consideration which was promised to them at the time of the marriage, have made an utter misery of the life of the girl. These are not touched by the Bill at all. What can be done by legislation of this kind? And, Sir, there is another aspect to which I should like to advert, an aspect which has never been disclosed in this House by any speaker so far. When we are thinking of these matters, and particularly when any Member comes before the House and asks it to deal with a reforming measure, it is fair to the country that the extent of the evil that is proposed to be curtailed should be placed before the House. Does the Honourable the Mover of the Bill give us any idea of the extent of this evil? To many of us, this is a new thing, this is a novel thing. Coming from Madras, I can state that I have not heard of this sort of selling of girls in marriage, but I have repeatedly heard, as I have said, of the offer to pay a certain amount of money to the bridegroom in consideration of the marriage being performed. It is the duty of the Mover of the Bill, and of my extremely learned and legally talented friend, Sir Hari Singh Gour, to place before the House some of these considerations.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Now, what is the measure or extent of this evil? Where does it prevail? In what Provinces does it assume a serious form, or in what districts, and amongst what community or classes of people does it prevail? We are not told anything about these things, and the whole debate has gone on one side as if this is an evil of the gravest magnitude to the community at large, and on another as if this evil is unknown. Sir, I protest against this sort of debate being conducted, and I protest against it, because it gives a very unfair view of the whole system of Hindu and Muslim society to those outsiders who do not know the real and inner life of the people of this country, and who go about gathering from the gutter some of those odd sayings that my friend, Sir Hari Singh, indulged in this afternoon and publish them as mementos of their visits to India. It is unfair to the community, both Hindus and Muslims, that the Bill should be freely debated upon without any attempt being made at assessing the extent or the volume of the danger that is sought to be curbed or curtailed by a measure of this kind.

Sir, on the merits of the measure itself, my friends have already spoken. They have pointed out that this Bill ignores the fact that, under the Sarda Act, girls under 14 cannot be given in marriage. My friend, the Mover, said,—“No, it does not matter, you change the Bill and make the age 16 or 18 at which the girl can be considered a major.” It is not so simple as all that. While I am free to confess that I have a great deal of sympathy with any sort of marriage which is contracted on behalf of the girl and which does not go against her interest, I must protest against the sort of ill-considered measures being brought forward and this House being asked to enact such measures. Those who, in season and out of season, proclaim that they are reformers of Hindu society, that they know what is good for the Hindu society, have done more harm than those who have honestly tried to improve society without proclaiming from house-tops that they are such reformers. If today there is reaction in Hindu society, if today the Sanatanists and the orthodox are more and more coming into the limelight and are putting forward obstacles against even reasonable reforms, it is because ill-considered measures of this kind are brought forward on the floor of the House, and the House is asked to accept such measures.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : We do not oppose reasonable reforms.

**Sir Hari Singh Gour** : Don't you ?

**Raja Bahadur G. Krishnamachariar** : No.

**Diwan Bahadur A. Ramaswami Mudaliar** : I am very glad to have that assurance, but I say that there are some at least who have been roused out of all their inactivity and inaction by the very extremity of the proposals that have been placed before the House from time to time, and, Sir, if there is one individual in this country who has contributed more than another to the rousing of that inactive spirit amongst the orthodox people, who have prompted them to violent agitation on matters, some of which may be considered by some as even reasonable, the credit or the discredit of it goes to my friend, Sir Hari Singh Gour. (Applause from the Nationalist Benches.) Marriages ordered according to the will of the people, companionate marriages being advocated, divorce being advocated, all sorts of revolutionary things, for which the state of

society is not yet prepared, are being thrown on the floor of the House, because non-official days for Bills are allotted by His Excellency the Viceroy, and the ballot sometimes favours those who least deserve to be favoured. (Laughter.) These have been the causes which have actuated that amount of resentment in the community at large, and I know the extent of that resentment. My friend, Mr. Ranga Iyer, will in a few minutes probably have the occasion to speak of another Bill, and he will then have to state what the position of the society is, how the foremost of them, who have been in favour of that Bill at one time, have gone back on their favourable opinion and have put forward the formula that if the whole nation is for it, then they are also for it....

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : I hope the Honourable Member is aware that eminent men, once favourable like Mr. Satyamurti, are strongly opposed to that Bill now.

**Diwan Bahadur A. Ramaswami Mudaliar** : That is exactly what I was referring to. We know, in the Delhi Session in March last what a vast number of people were sitting in those galleries, how many of them came round and asked us to support certain measures, what a volume of enthusiasm was created, and I recollect with regret how many tea parties there were then which I now miss. Sir, it seems to me that measures like this should be considered very much more carefully when they are brought before the anvil of the Legislature and we are asked to pass it. Under these circumstances, while expressing my full sympathy with this measure, I am unable to support it. What should be done is that society must try to educate its own members, public opinion must grow stronger and stronger, and these evils should be put down, not by legislation which will be completely infructuous, but by the promotion of public opinion in the country by looking down upon marriages which have been contracted in this manner and by trying to show that public opinion will not countenance these things when such marriages take place. I will give an instance where public opinion has been able to assert itself in many of the Provinces in India. At one time, when I was very young, it was not infrequent to find a husband marry a second wife while the first wife was living. People went to that marriage freely and gaily, they attended the dinner parties given on the occasion, and presents were given to the unfortunate bride and the fortunate bridegroom, and then they returned thinking no more of it. Now, in my part of the country, at any rate, it is extremely difficult, almost impossible, to find an educated or even an uneducated man countenance the second marriage of a husband while the first wife is living. Has not public opinion developed ? They have put down that atrocious practice merely by the growth of public opinion. It was only the other day that I read in the *Bombay Chronicle* of a famous case which occurred in the heart of Guzerat where Mahatma Gandhi is supreme. I do not want to refer to that case, my Honourable friends who come from Guzerat know it extremely well. But I know this that public opinion has been shocked, a wave of abhorrence has gone throughout Guzerat among all people. That is the sort of public opinion that I wanted to grow and to become strong, and by its own power put down such atrocious practices as that which this Bill refers to. Sir, I oppose the motion.

**Some Honourable Members** : Let the question be now put.

**Mr. B. V. Jadhav** (Bombay Central Division : Non-Muhammadian Rural) : Sir, I fully appreciate the motives of the Mover of this Bill, and

[Mr. B. V. Jadhav.]

he is really shocked at unsuitable matches, matches between old men and young girls. And, Sir, who is not so shocked? All thinking, reasonable men will condemn such marriages. But the scope of this Bill is not confined to the prevention of such marriages. The Bill, as drafted and as it is before us, seeks to do something more. The Bill uses the word "selling" and there is the other counterpart of it, the purchase of girls. As a matter of fact, the Hindu Law or the law of any country does not countenance selling in these civilised days. Selling was formerly practised, but it has been put down now. The *asura* form of marriage which was looked down upon by many has been one of the eight forms of marriage recognised by the Hindu Law. In that *asura* form of marriage the bride is not purchased but some consideration is given to the parent or guardian of the girl.

In the Mahabharata we find that when the venerable Bhishma wanted to marry Pandu to a second bride, after his marriage with Kunti, he selected the princess of Madra. As one of the conditions of the marriage, her brother and her uncle asked Bhishma to pay down a certain amount on the ground that it was the custom of the family and that custom ought to be respected and should not be overlooked. That marriage was as honourable as the marriage of Kunti with Pandu although no bride price was paid. So, the payment of the bride price or not paying anything at all does depend upon the circumstances of the case. Here, Sir, as the previous speaker has said, on certain occasions girls are given to men advanced in age because the parents think that the happiness of the girl will be thereby secured. They are generally mistaken in their ideas, the happiness is not secured, but all the same, if we look to the motive of the parents we shall have to say, more often than not, that the parent generally cares more for the happiness of the girl than otherwise. In my part of the country, among the agricultural population, especially the poorer class, no marriage takes place without some sum passing from the bridegroom's side to the bride's side. It is a recognised custom and nobody ever thinks about it. Even in the marriages of parties in which the age difference is not much such amounts change hands. Therefore, we have to see that such payments are not penalised under the Bill. It is very difficult to define "sale" as the Honourable the Law Member has pointed out. A few years ago, the question was under the consideration of the Government of India whether the selling of girls at the Sipi Fair near Simla was to be allowed or not. The opinions of Local Governments were invited and about 300 girls from the Sipi bazar were traced in the city of Bombay. Ultimately, the Government came to realise that it was much better for the welfare of the society to allow that open sale and purchase in the bazar at Sipi than to stop it. All the 300 girls that were traced to Bombay were regularly and honourably married, and were, I think, doing very well. So, the Government decided that it was much better to allow this open traffic than to stop it by legislation and allow it or force it to go underground. In the present circumstances, the addresses of the purchasers or the prospective husbands are well-known, and, therefore, the girls can be traced. But if the traffic went underground there would be no evidence to trace them; perhaps the girls may be purchased for immoral purposes. So, when passing legislation on this point, care must be taken that the exchange of money is not concealed. If a prospective husband wants to purchase a girl and if the sale is made illegal under law, then he need not publish or he need not tell anybody that he had paid so many rupees to

the father of the bride and it will be very difficult to secure conviction in these cases. Although the motive is very good, it is very difficult to adjust it by legislative methods. I, for myself, am for the reform. I would like that these ill-assorted marriages are stopped, but I do not think that any legislation will be able to do it. As my Honourable friend, Diwan Bahadur Mudaliar, has just now said, the proper remedy is to educate public opinion, and with that education this evil can be stopped. In my part of the country, one of our dramatists dramatized the evil effects of ill-assorted marriages. It is in Mahrathi and the drama is well known on the Bombay side as Sharda. This play was shown in many places and was very popular at one time. Its teaching went deep into the minds of young man and woman and the evil practice of giving girls to old men has almost come to a stop. That is the right way. Every method to educate public opinion ought to be taken advantage of, and the stage and the screen in these days are very powerful agencies. They ought to be made use of to educate the people as to the evil effects of such ill-assorted marriages. Although I have my full sympathy with the principle of the Bill, and although I admire my Honourable friend who has introduced this Bill, still for the reasons I have stated I do not think that I can support this measure. It will be very much better if the Mover sees the trend of public opinion. Public opinion is on his side no doubt, but the measure as placed before us is not properly worded, and, however much it may be amended in the Select Committee, it has got certain inherent defects which will make it almost useless as a piece of legislation. I, therefore, hope that, he will see his way to withdraw the motion.

**The Honourable Sir Henry Craik :** I entirely agree with my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, that this is a subject which the House is bound to treat as a very serious one. The question at issue in this Bill is one of the greatest importance, and the measure itself forms one of a long series of measures of social reform, which in one way or another have been or are likely to come before the Assembly during this Session, a series of measures which have attracted and continue to attract a great deal of attention not only in India itself but in countries beyond India. Now, Sir, I fear I shall have to ask the House to listen to me for a little time, not that I want to occupy their time uselessly, but because on a subject of such importance, I feel it my duty to explain in some detail the point of view of Government. I am afraid Government must oppose the reference of this Bill to a Select Committee, and, when I say that, I hope my Honourable friend, the Mover, will not assume that Government is out of sympathy with his objects. His object is a lofty one, indeed I may say a noble one—to try and elevate the status of women and to lift them out of their present position, which according to the Statement of Objects and Reasons is one in which they are regarded rather as commodities than as human beings. That, Sir, is an object with which I am certain every Member of this House—and I can speak quite definitely on behalf of the Government of India,—every Member of the Government of India, has the fullest sympathy and I congratulate my Honourable friend on his courage in bringing this Bill forward. But, I fear, that the form in which he has selected to bring forward this object has been unfortunate.

Now, Sir, if I may explain the reason which have led Government to come to this decision and to oppose this motion, I would say that they are broadly three. The first is that this is essentially a measure on which

[Sir Henry Craik.]

Government must be guided by public opinion, and I submit that, since the Bill was circulated and since the opinions have been received, it is clear that the great weight of public opinion is overwhelmingly against this Bill. That is the first reason. I will develop that later. The second reason is that the Bill has been condemned as impracticable, unnecessary and as likely to do more harm than good. In fact a good many of its critics have said, and there is considerable force in the point, that the Bill is one that can be made and is likely to be made an engine of oppression. The third reason for our opposition is that we feel that this is essentially a matter in which the remedy for what is admittedly, I won't say deplorable, but an undesirable state of affairs is to be found not in legislation, which possibly might have to be forced through in the teeth of considerable opposition, but in the slow and steady growth of public opinion. On that point, I entirely agree with my Honourable friend from Madras that that is the proper remedy for defects in the social system on which everybody is at the moment agreed.

To take the first of these reasons, the balance of public opinion, as I have said, as expressed in the written opinions received, is, I submit, overwhelmingly against the Bill. My Honourable friend, the Mover, claimed in his opening words that the majority of opinion was in his favour. Now, I cannot claim to have read every single one of this great mass of printed opinions through, from start to finish, but I have spent a considerable time over them, and, I am afraid, I cannot for a moment accept the view that the majority of opinions is in his favour. On the contrary, I think, any impartial person who really studies these written opinions must admit that the great bulk of opinions—I am not counting heads but I am counting the opinions that contain really considered views and have been thought out with care—the great mass of opinion is against his Bill. The Honourable Member, for instance, I notice, referred to the opinion expressed in his favour by the Chief Justice of Allahabad, a name that ought to command great weight in this House. When I turned up that opinion, all that is said there, I find, is that “the Chief Justice and Mr. Justice so-and-so are in favour of the Bill”. No reasons whatever are given, and one can hardly say—though doubtless the view expressed was a perfectly sincere one—that it is a very strong argument in favour of the Bill. Another name that carries considerable weight is the European Association of Calcutta. That association merely said that “while it hesitated to express any opinion on a matter of this kind it thought that the principles underlying the Bill were sound”. Now, on the other side, we have practically all Local Governments, and, I submit, all those who are best qualified to judge in a matter of this kind are against the Bill. For example, there is in Bengal an Association called the All-Bengal Women's Union—an Association which is described as having been formed largely to work for the prevention of traffic in women and girls. Now, I should have thought—I do not know anything beyond that, about this Association,—but I should have thought it would have been obvious that the opinion of an Association of that sort which was specially formed to deal with problems of this kind must carry very great weight. Now, what does that Association say? It considers that :

“The Bill will not serve any useful purpose or effect any real improvement in social conditions. On the other hand, its enactment would be likely to stand in the way of more progressive measures. Better results would be secured from a strict enforcement of the Child Marriage Restraint Act of 1929.”

The Association also points out—this is a mere matter of detail—that the Bill might operate to penalize a charitable society or individual wishing to adopt a girl under fourteen and paying compensation to the parents, while it does not prevent a parent from deliberately selling a girl of over the age of fourteen for immoral purposes. That seems to me a very weighty opinion to which great importance must be attached. Another point that has been taken by previous speakers is mentioned in a great many of the opinions received, that the Bill is in one respect superfluous, if it is intended to check the marriage of children under fourteen years, because such marriages are already penalized under the Child Marriage Restraint Act. If, on the other hand, the Honourable the Mover's intention is to stop the selling of children for immoral purposes or for purposes of prostitution, then that is covered, and very much more effectively covered, by section 372 of the Penal Code. That section makes it an offence punishable with no less than ten years' imprisonment to dispose of any person for immoral purposes. Moreover, the section goes very much further than my Honourable friend's Bill, in that the age is there fixed at eighteen and not at fourteen as in his Bill. The age was raised from sixteen to eighteen by an amendment of the Penal Code in 1924.

Sir, I need not enlarge on another point, though it is really more than a point of detail, in fact, I think it is a point of primary importance—the absence of a definition of the word “sale” and the difficulty, which I think was obvious from the speech of my Honourable friend, Sir Hari Singh Gour (Laughter), that even a lawyer of his eminence, qualified in all branches of law including the branch we heard of today, “transcendental law” (Laughter), was not able to suggest, within a reasonable compass, a suitable definition. That, I think, is really by itself an insuperable obstacle. Yet another very important point, to which grave objection has been taken in the opinions received, is the provision in the Bill whereby offences under it are to be cognizable offences. For example, there is an opinion received from the Bar Association at Dhubri in Assam to the effect that this provision is one which is likely to be used to turn the Bill into an engine of oppression. They point out that while the marriage ceremony is actually going on, it might be possible for the police to intervene and arrest the parent on the ground that one of the children was under fourteen years of age. It would be impossible to prove, or at any rate it would be impossible to decide the exact age of the child and it is quite possible,—I think the House will agree that it is quite possible—that in that way the Bill might become definitely an engine of oppression or a weapon to be used by those who sought to gratify a personal grudge or a malicious spite.

**Sir Hari Singh Gour :** May I point out to the Honourable the Home Member that the offence is not made cognizable under the Bill ? (Laughter.)

**The Honourable Sir Henry Craik :** Has my Honourable friend read clause 4 ? (Laughter.)

**Sir Hari Singh Gour :** I am sorry.

**The Honourable Sir Henry Craik :** Sir, the Statement of Objects and Reasons sets forth two main purposes of this Bill,—first of all, to provide against any inequality between the ages of the bride and bridegroom, and secondly, that which I have already quoted,—to provide against the



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treatment of minor girls as commodities as opposed to human beings. The first of those objects does not really appear in the Bill at all, and I submit that the Bill only provides very inadequately against the second of those objects. I am assured that in most forms of marriage practised in this country or at any rate in a very great number of marriages practised in this country, there is, in some way or other, the passage of some pecuniary consideration. It may be in the form of a dowry, it may take the form of gifts, it may be in the form of jewels or a gift to pay for the expenses of the actual wedding ceremony; but, broadly speaking, I believe that there are very few forms of marriage in which there is not some payment of some kind. Now, all of them will come under the mischief of this Bill, though a great many of them are recognized and sanctioned by custom, and a great many of them do not meet with any universal disapproval, and indeed there is no particular reason why they should (Hear, hear); for example, in many parts of India, I understand, it is customary for the bridegroom's parents to give some present in cash or in kind to the parents of the bride. I cannot see why that should in itself be objectionable or contrary to public morals. Nevertheless, it would, as I say, come within the mischief of the Bill. In other cases there is a dowry, either of cash or of jewellery, which forms a sort of insurance for the bride, and which, I believe, is recognized as a very useful and a salutary form of insurance, and indeed is often all that a woman who is left a widow at a comparatively early age has to live on.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : It is called *Stridhan*.

**Sir Hari Singh Gour** : That won't be the price, because it is an endowment—(*Voices* : “Why not? Why not?”)—because that would be an endowment for the bride; but it would not be a consideration for the guardian.

**The Honourable Sir Henry Craik** : I challenge my Honourable friend to draw up a definition of “sale” which would expressly exclude anything like that. I do not believe it is possible.

Sir, another point that I would like to take up is that the Bill is to apply under clause 1 to the whole of British India. It will apply not only to Hindus but will also apply to Muhammadans, Christians, Sikhs and indeed everyone. Among the Muhammadans, we have heard from my Honourable and learned friend, Dr. Ziauddin Ahmad, it would run contrary to their customs and would be very much resented. He quoted the opinions received from two purely Muhammadan Provinces, the North-West Frontier Province and Baluchistan, which were to the effect that the Bill could not possibly be applied in those two Provinces. Among the people of my own faith, Christians, I do not say that brides are sold; but there is frequently some form of pecuniary transaction in the form of a marriage settlement or something like that which comes into the marriage contract. And as I have said, in most parts of India there is always some kind of payment or dowry.

Now, Sir, I come to the first object of the Bill, namely, to prevent marriages between people of unequal ages, and there, as I said, the Bill, though professing to deal with the evil, does not, in fact, attempt to do so. Now, I admit that there is a considerable amount of public opinion

against the marriage of a man of middle age to a young girl. But, on the other hand, one must remember that it is one of the first duties of a Hindu to have sons, and if a Hindu is left a widower without sons, he would probably consider it, I understand, a religious as well as a social duty to re-marry. We have seen, from time to time, marriages of that kind pilloried in the Press. I can recall reading myself on good many occasions articles or letters protesting against such marriages and holding up the individuals who had contracted such marriages to obloquy. But I fancy—I may be wrong—that the number of such marriages is a very small fraction of the total number. My Honourable friend from Madras pointed out that public opinion, condemning these marriages, is steadily growing in force. If I am right in thinking that marriages of that kind are comparatively few, and, if my Honourable friend is right in saying that public opinion in condemnation of them is steadily growing in strength and force, then what necessity is there for legislation of this kind on the subject? Surely, it is better to leave it to public opinion to gradually eradicate this evil, if it is an evil, from our social system. While on this subject, I may remind the House that when the Child Marriage Restraint Bill was under discussion, my Honourable friend, Mr. B. Das, moved that a clause should be added to clause 4 of that Bill. His clause ran as follows :

“Whoever, being a widower above 40 years of age, marries any woman who is not a widow, shall be punishable with simple imprisonment which may extend to one month or with fine or with both.” (Laughter.)

**Mr. B. Das :** May I inform the Honourable Member that I could not make a speech as the whole House roared with laughter?

**The Honourable Sir Henry Craik :** Perhaps it is rather late in the day, but, I am glad to have the opportunity of supplementing the Honourable Member's silence, and pointing out that his object was to make it impossible for any man above 40 years of age, who had once been married and who had lost his wife, to marry anyone except a widow. The point raised by my Honourable friend then was substantially very much the same as that which the Honourable the Mover of this Bill has included in his Statement of Objects and Reasons. I think, it was in 1929, that the Sarda Act was passed. My Honourable friend's amendment was put to the Assembly, and it is a significant fact that it was rejected without any discussion by no less than 52 votes to 4. I cannot think that it is likely, even if my Honourable friend, the Mover, had included in his Bill any provision of that kind, that it would have had the slightest chance of passing into law in this House.

Sir, my Honourable friend, the Mover, may take the line—in fact, his supporters have already taken the line—that admittedly this Bill is not perfect in its present form and that it may be possible to improve it in Select Committee. I am afraid I cannot agree with that view. I think the Bill is so impracticable and the remedies it devises are so inefficient and so likely to be abused that it would not be of the slightest use to refer it to a Select Committee. I think, therefore, that my Honourable friend would be well-advised to allow the slow and steady growth of public opinion, as I have suggested, to cure the evil of which he complains. I do not believe that the best way is to seek a remedy by what I am afraid I must call rather hastily thought out and ill-considered legislation. If you press this legislation, you will put up the backs of people who may

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be described by certain sections of the Assembly as reactionary but who probably hold their opinions just as conscientiously and just as sincerely as Honourable gentlemen who are in favour of reform. If you provoke their opposition, you will find that your measures of reform will encounter bitter hostility and by pressing a somewhat injudicious and ill-considered measures of this kind, if I may say so, you may actually be putting back the clock of progress where you mean to advance it. Sir, I ask the House to reject this motion.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor: Non-Muhammadian Rural) : If I rise at this late hour to speak on this Bill, it is because I want to prove that certain statements made by the Honourable Members in this House ought not to be considered by the public as the considered opinion of the non-official Members of this House. Before I advert to those facts, let me congratulate the Honourable the Mover of this Bill for the public spirit as well as the humanitarian sentiment which prompted him to bring this measure (Hear, hear) before the House. Sir, many Honourable Members of this House as well as the public, whose opinions have been called for, have misunderstood the scope and object of this Bill. The main object of the Honourable the Mover of the Bill is to prevent the marriages of female children with grown up persons and octogenarians. That was his main object. On the other hand, the public opinion has not been expressed upon that important point. They have stated that if the object of the Bill is to prevent child marriages, then there is already the Sarda Act. Then, if the object of the Bill is to prevent marriages for immoral purposes, then there is already a provision in the Penal Code. In that way they have side-tracked the main issue before the House. Sir, the Honourable the Home Member has stated the case on behalf of Government. Many of the Honourable Members of this House also have opposed this Bill. I have great sympathy with the object of the Bill. But I oppose the Bill for some other grounds altogether. I do not oppose the Bill as my Honourable friend, Raja Bahadur Krishnamachariar, the leader of the Sanatanists, would have opposed it, because he would say that the Legislature ought not to interfere with religion. That is not my object. I do not oppose this Bill because public opinion has not sufficiently been expressed as some Honourable Members have stated. I do not say it should not be passed unless there is public opinion developed in favour of the Bill. Sir, I do not hold that view. Where was the public opinion when the Suttee was put down. If in those days, when Suttee was put down, public opinion were taken into consideration, I am sure, there would not have been any public opinion against the suppression of Suttee. Where was the public opinion when there was infanticide practised in this country? If, at the time of Lord William Bentinck, any public opinion were taken, the majority of people would have been against putting down that practice of infanticide. So, I do not oppose this Bill because we must have public opinion behind the Bill or that we must cultivate public opinion in favour of the Bill before a measure of this kind is passed into Law. That is not my objection. I oppose this Bill because it is impracticable to enforce the provisions contained in this Bill. In the first instance, there is no definition of the word "sale". Generally, in almost all the marriages in Southern India, some consideration passes from the side of the bridegroom to that of the bride. It is, as the Honourable the Home Member pointed out, in the nature of *Stridhan*.

That is a very important consideration. There is a whole chapter in the Hindu Law on *Stridhan*. *Stridhan* is an important provision for her against adverse circumstances. Under this Bill, the payment of any money by the bridegroom to the bride will bring him under the mischief of this Bill. Further, Sir, if this Bill is passed, then it will be very difficult for the poorer parents to get good match for their girls which will defeat the object for which this Bill is brought. Supposing there is a poor parent and he wants to give his daughter in marriage to a man in very good circumstances and derive benefit for his own livelihood and the bridegroom who is in a position to bring up his wife in affluent circumstances is prepared to save the parent also from his miserable existence, then this Bill comes in the way. The parent cannot accept that money and hence he has to forgo a good match for his daughter. Sir, this very morning we were all discussing about the removal of the obnoxious Regulation III of 1818 from the Statute-book. If this Bill is passed, then we will be bringing in another oppressive measure which will be of the nature of another Regulation III. It will be intolerable for any marriage to take place, because there will be police officers who will interfere at every stage of the marriage ceremonies, from the time when the marriage is mooted, the police officer will be watching to see if any consideration passes. He may ask the parents of the bride to produce accounts or he may search the house on the pretence of payment of consideration. I submit, it will seriously interfere with any marriage ceremonies taking place. Again, Sir, this Bill does not go far enough. It is only to bring the parents or guardians of the children to book, but it allows the other party to the bargain, namely, the bridegroom's party, to go scot-free. Hence, I submit that this Bill does not go far enough. If this Bill is properly conceived and if the Bill is properly framed, then I will have absolutely no hesitation in supporting this Bill in so far as it prevents the marriages of children to old people which seems to be the underlying object of this Bill. With these words, I have to oppose the Bill.

**Mr. C. S. Ranga Iyer :** Sir, I rise to support this Bill, not with a view to carrying on the discussion till the next debate on the non-official day, for I believe certain Honourable Members of this House want to obstruct my Temple Entry Bill being taken up.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member can resume his speech on the next non-official day. The Honourable the Law Member will now make a Statement of Business.

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### STATEMENT OF BUSINESS.

**The Honourable Sir Nripendra Sircar** (Law Member) : In view, Sir, of the fact that there will be no further meetings of Select Committees after the current week and of the anxiety of Members that the Session should terminate as soon as possible, I would ask you to direct that the House should sit for the transaction of official business on Saturday next week and on Friday and Saturday, the 31st August and the 1st September. I do not propose a meeting on Friday next week as that day is the Solono holiday. For next week the business on the paper will include the consideration and passing of the

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Indian Iron and Steel Duties Bill, as reported by the Select Committee, the consideration and passing of the Indian Petroleum Bill, as reported by the Select Committee, and the consideration and passing of the Indian Rubber Control Bill and the Indian Income-tax (Amendment) Bill. If the Honourable the Leader of the House has recovered sufficiently as to enable him to proceed with the Iron and Steel Duties Bill on Monday, this business will be taken in the order which I have indicated. Should it unfortunately happen that he is unable to come, the Indian Petroleum Bill will be taken first. The discussion of the Indian Army (Amendment) Bill will not be resumed until the following week.

The Assembly then adjourned till Eleven of the Clock on Monday, the 20th August, 1934.

## LEGISLATIVE ASSEMBLY.

*Monday, 20th August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### GOLD EXPORTED FROM INDIA.

631. **\*Lala Rameshwar Prasad Bagla** : Will Government be pleased to inform this House as to how much gold, stating the value in rupees and the quantity in tolas, was exported from India up to the 1st August, 1934, since Britain went off the gold standard ?

**The Honourable Sir James Grigg** : Approximately 206½ crores of rupees and 68½ million tolas up to the 4th of August, 1934.

#### DESIRABILITY OF LEVYING A DUTY ON GOLD EXPORTS FROM INDIA.

632. **\*Lala Rameshwar Prasad Bagla** : (a) Is it a fact that there has been some correspondence between the Secretary of State and the Government of India with regard to the levying of a duty on gold exports ?

(b) If the answer to part (a) be in the affirmative, will Government please inform this House as to what has been the result of that correspondence ?

(c) If the answer to part (a) be in the negative, will Government be pleased to state if they are prepared, in view of the heavy exports of gold, to consider seriously the desirability of levying a duty on gold exports from India ?

**The Honourable Sir James Grigg** : (a) Yes.

(b) Government are unable to disclose the correspondence which took place between them and the Secretary of State.

(c) I would refer the Honourable Member to the reply which I gave to question No. 25, asked by Mr. M. Maswood Ahmad on the 16th July, 1934.

#### SENIORITY OF EAST INDIAN RAILWAY AND OLD OUDH AND ROHILKHAND RAILWAY STAFF.

633. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) With reference to their reply to question No. 818, dated the 12th September, 1933, will Government please state why, when a separate seniority list is maintained for the old Oudh and Rohilkhand Railway and the East Indian Railway staff, the East Indian Railway staff

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is promoted to posts falling vacant in the old Oudh and Rohilkhand Railway Section, thus depriving the old Oudh and Rohilkhand Railway staff of their chances of promotion ? Are Government prepared to amalgamate the seniority list of the staff of both the sections, or restrict promotion of each to its own section, or in the alternative to fix a proportion of the posts in Grades I and II for the old Oudh and Rohilkhand Railway staff ?

(b) Is it a fact that the revised scales of pay were forced on the staff against their wishes ? If so, under what rules ? Is it a fact that it has definitely been laid down that new scales of pay will apply only to new entrants or to staff who elect to come under the new rules ?

(c) Are Government prepared to review the cases of all those men who have been brought on the new scales against their wishes and to restore them to the old grades with retrospective effect ?

(d) Will Government please explain those exceptional cases fully in which certain staff was brought on to the new scales ?

**Mr. P. R. Rau :** I have called for information and will lay a reply on the table of the House in due course.

#### PROVISION OF A RAILWAY CONNECTION TO MOURAWAN AND PURWA.

634. **\*Mr. Gaya Prasad Singh** (on behalf of Rai Bahadur Lala Brij Kishore) : (a) Will Government please state if it is a fact that they contemplate providing Railway connection to the towns of Mourawan and Purwa in the Unao districts in the United Provinces ?

(b) Is it a fact that some years back, a survey for this purpose was carried out ?

(c) What was the result of that survey ? What will be the cost of providing a railway connection ?

(d) Are Government aware that there is a large amount of passenger and goods traffic between Mourawan and Cawnpore, Mourawan and Lucknow, and Mourawan and Unao ?

(e) Are Government prepared to investigate again the commercial possibilities of providing a railway connection to Mourawan and Purwa and, if found remunerative take this work in hand at an early date ?

**Mr. P. R. Rau :** (a) No such project has yet been considered.

(b) No.

(c) Does not arise.

(d) No.

(e) Government will consult the East Indian Railway Administration on this point, but judging from the position of the places named on the map, and their close proximity to existing railway lines, it does not seem likely that railways are the most suitable means of communication for the area.

**Mr. Gaya Prasad Singh :** If the zamindars of that locality are prepared to give land free to the Government for the construction of a railway line, will Government then consider the proposal, because I am authorised by this gentleman, Rai Bahadur Lala Brij Kishore, to say that they are willing ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The reason for the asking of a question need not be given.

**Mr. P. R. Rau** : I shall convey that information to the Agent of the East Indian Railway.

**UNSATISFACTORY ARRANGEMENTS FOR SUPPLY OF FOOD ON PILGRIM SHIPS.**

**635. \*Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that Haji Muhammad Hamza of Hyderabad State and party, who performed their voyage to Jeddah and back during the last pilgrim season by S.S. "Rizwani" and "Jehangir", have stated their experience before a responsible officer of the Port Haj Committee at Bombay on his return from the pilgrimage in the following words :

"Chapaties were half-cooked, mutton dishes were of very bad taste. On S.S. 'Jehangir' people threw away their food. Hotel people also threw away the food when not taken by pilgrims. Sheep after slaughtering being cleaned by sweeper. Pilgrims were dissatisfied with food arrangement."

If so, what action do Government propose to take in the matter ?

(b) Is it a fact that the pilgrims named below have performed their inward voyage during the last Haj pilgrim season by S.S. "Rizwani" from Jeddah to Bombay :

- (1) Muhammad Din and party,
- (2) Ghulam Dastgir (with a party of 25 pilgrims),
- (3) Muhammad Esa Dare (with a party of 30 pilgrims),
- (4) Khawja Moinuddin, retired Director of Medical Sanitation, Department of Hyderabad, Deccan,
- (5) Chowdhury Sirdar Khan, retired P.C.S., Ferozewalla, and
- (6) Mr. Ahmad Saood, retired Extra Assistant Commissioner ?

(c) Are Government aware that all these pilgrims were perfectly dissatisfied with the food provided to them on board the ship, and that in spite of repeated reports made by them to the master of the ship, no improvement in the supply was made throughout the voyage to India ? If so, do Government propose to consider the advisability of abolishing compulsory advance payment for food and introduce "Pay as you buy" system ?

(d) Is it a fact that Dr. M. U. S. Jung, M.A., LL.D., Bar-at-Law, of Allahabad, who performed his voyage from Jeddah to Bombay during the last pilgrim season per S.S. "Khusro" has stated, in his report as a member of the Ship Haj Committee that :

"Food was of very poor quality. Hajis were dissatisfied with ordinary food and they took special dishes at extra amount. In the price paid in advance with ticket much better quality food can be purchased, special spaces were reserved for steamer servants who sell them to passengers on payment. Owing to mismanagement of the Shipping Company at Jeddah three pilgrims fell into the sea. Steamer Company collected cooly charges but coolies again extorted money from the pilgrims."

If so, will Government be pleased to state what action they propose to take to compensate the pilgrims who suffered on the voyage and to remove the difficulties experienced by the pilgrims after the passage of Merchant Shipping Act (Amendment Act) of 1932 ?



(e) Are Government aware that Moulana Hasrat Mohani, a well-known Muslim leader, and Musammat Fatma Begum, Lady Superintendent, Municipal Girls School, also worked as members of the Ship Haj Committee along with Dr. M. U. S. Jung, M.A., LL.D., and both the members endorse the experiences stated by Doctor Jung ?

(f) Have any suggestions been made by them, or any other Pilgrimage Committees, to improve the lot of Indian pilgrims during the voyage and if so, do Government propose to lay on the table of this House copies of their reports in this connection ?

**Mr. G. S. Bajpai :** I would refer the Honourable Member to the reply given by me to his starred questions Nos. 594, 597 and 598 on the 14th August, 1934. I would add that some of the complaints referred to by the Honourable Member in parts (a)---(e) of the present question have not been seen by Government.

#### PREVENTION OF TRAVELLING WITHOUT TICKETS ON THE EAST INDIAN RAILWAY.

636. \***Khan Bahadur Haji Wajihuddin :** (a) With reference to the reply to starred question No. 155, dated the 16th February, 1934, laid on the table of this House on the 9th April, 1934, will Government be pleased to state whether it is a fact that, as per reply of the Agent, East Indian Railway, the *main duty* of the present Travelling Ticket Examiners is "detection" and that of the Ticket Collectors "prevention" ?

(b) Is it also a fact that, as per Agent's reply, the very same was the function of the Travelling Ticket Inspectors under the Accounts Department and the Ticket Collectors under the Operating Department, before the introduction of the Crew system ?

(c) Will Government be pleased to state how the Agent, East Indian Railway, has come to the conclusion that under the old system the "notorious prevalence of illicit travelling" existed and that is why the present system (Moody-Ward) was introduced which has "certainly effected an improvement" ? Is it a fact that Messrs. Moody and Ward have not said a word about the old system referred to by the Agent in his reply ?

**Mr. P. R. Rau :** (a) The principal duty of Travelling Ticket Examiners is to detect passengers travelling in trains without proper tickets, and one of the duties of ticket collectors is to prevent passengers without proper tickets obtaining access to passenger platforms.

(b) and (c). The two systems may in essentials be similar ; but an improvement can be effected by an increase in the staff employed and more intensive supervision.

#### EVIDENCES GIVEN BEFORE THE HAJ ENQUIRY COMMITTEE RELATING TO ELIMINATION OF MUALLIMS FROM INDIA.

637. \***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to lay on the table extracts of evidences given before the Haj Enquiry Committee so far as they relate to the question of elimination of *Muallims* from India ?

(b) Will Government be pleased to state whether they would allow the Members of this House to inspect the written and oral statements made before the Haj Enquiry Committee with regard to the control of *Muallims Sabees, Hamledurs* and pilgrims guides in India ?

**Mr. G. S. Bajpai :** (a) No. The evidence has not been printed.

(b) Yes.

ADVISABILITY OF REMOVING THE PUSA INSTITUTE TO MEERUT INSTEAD OF TO DELHI.

638. \***Khan Bahadur Haji Wajihuddin :** (a) Has the attention of Government been drawn to a message published in the *Hindustan Times*, dated the 5th August, 1934, on page 13 under the heading "Agricultural Institute", "Why not transfer it to Meerut" ?

(b) Are Government prepared to consider the advisability of removing the Pusa Institute to Meerut instead of to Delhi ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) No.

DELAY IN THE ISSUE OF RAILWAY RECEIPTS AT CAWNPORE CENTRAL GOODS SHED.

639. \***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that at Cawnpore Central Goods Shed, Railway receipts for goods to be carried by goods train are not generally issued at once and on the same day, to the person handing over the goods ?

(b) Will Government be pleased to state on whose responsibility and risk such goods remain at the station before a receipt is given, whether at owner's risk or at Railway risk ? If at Railway risk, why are not railway receipts given at once ?

(c) Are Government aware that this procedure of granting receipts after two or three days involves extraordinary difficulties to business men ?

(d) Do Government propose to consider the advisability of issuing immediate orders, asking the authorities concerned to deliver the receipts to the persons, handing over the goods for transportation at once ?

**Mr. P. R. Rau :** (a) Government have no information, but I am having enquiries made.

(b) As regards the first part, goods are normally at owner's risk till a receipt is given. The second part of the question does not, therefore, arise.

(c) and (d). I am asking the Agent, East Indian Railway, to enquire into the matter with a view to taking such action as may be feasible for the removal of any inconvenience caused to the trade.

REPRESENTATION REGARDING THE INDIAN IRON AND STEEL DUTIES BILL.

640. \***Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to lay on the table copies of representations received by them from various individuals and associations, regarding Iron and Steel Duties Bill ?

(b) Are Government aware that Cawnpore market is heavily overstocked with Tatas galvanised iron sheets ?

(c) Are Government aware that reduction in duty on British and Continental sheets shall mean a huge loss to the Merchants holding stocks ?

(d) When do Government propose to enforce the proposed Bill ?

(e) How do Government propose to safeguard the interests of iron and steel stockists and merchants ?

**The Honourable Sir Frank Noyce :** (a) Government are of opinion that the points raised by the very numerous representations received from various individuals and associations, regarding the Iron and Steel Duties Bill, have received adequate publicity both within and outside this House. They are, therefore, of opinion that no useful purpose would be served by laying copies of these representations on the table of the House.

(b) and (c). Government have received representations to this effect.

(d) and (e). As the Honourable Member is doubtless aware, it is now proposed that the new duties should have effect from the 1st November, 1934.

**Dr. Ziauddin Ahmad :** May I ask whether all these opinions were laid before the Select Committee ?

**The Honourable Sir Frank Noyce :** I am not quite sure how many of these opinions were actually placed before the Select Committee, but I think they knew the purport of them all : I have not the actual representations before me.

**Dr. Ziauddin Ahmad :** May I ask whether the representations received by the Government were considered by the Government alone or were also considered by the Select Committee ?

**The Honourable Sir Frank Noyce :** I think the whole question of iron and steel protection is coming up before this House tomorrow, and I would suggest that any points the Honourable Member has to raise might be raised in the course of that discussion instead of by way of supplementary questions today.

**Dr. Ziauddin Ahmad :** Will the Honourable gentleman supply us, or me at least, a copy of the representations, so that I may make use of them in my speeches ?

**The Honourable Sir Frank Noyce :** I will pass on that request to the Commerce Department.

**Dr. Ziauddin Ahmad :** Will Government be able to supply a copy of the evidence also ?

**The Honourable Sir Frank Noyce :** That, again, I shall have to ask the Commerce Department about.

**Seth Haji Abdoola Haroon :** May I ask why the Government have fixed the date from 1st November, whereas..... ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** I think that should arise during the course of the discussion on the Bill.

**Mr. Vidya Sagar Pandya :** Not only on the Steel Bill, but on other Bills also a number of representations were made to the Government. Why should they not be made available to the members of the Select Committee and also to Members of the House ?

**The Honourable Sir Frank Noyce :** As I have pointed out, that is a question which could much more suitably be raised in the course of discussions on the Bill tomorrow.

#### PROCEEDINGS OF THE INDIAN TEA LICENSING COMMITTEE.

641. **\*Mr. S. C. Mitra :** (a) Will Government please state whether the proceedings of the Indian Tea Licensing Committee are always kept strictly private and confidential ? If so, why ?

(b) Why are the proceedings that concern the Tata trade, not published for the benefit of the trade ?

(c) Will Government please state the principles adopted by the Licensing Committee for deciding the applications for special treatment for export quota under Rules 4 and 5 of section 23 of the Tea Control Act, and the condition for granting permission to extend the quota ?

**The Honourable Sir Frank Noyce :** (a) The proceedings of the Indian Tea Licensing Committee are private and confidential, but copies are sent privately to the chairman of all tea planters' associations. The proceedings often deal with matters of detail connected with the working of individual estates which the Committee do not consider it desirable to publish.

(b) Circulars are issued periodically by the Licensing Committee to all tea producers regarding matters of general interest to the trade in relation to the administration of the Indian Tea Control Act, 1933.

(c) No principles capable of general application have been laid down for the guidance of the Committee in dealing with applications for special treatment. Each such application is considered by the Committee on its merits and is then submitted to the Government of India for final orders together with the Committee's recommendations.

**Dr. Ziauddin Ahmad :** May I ask whether there is any appeal from the decision of this Licensing Committee, because I have got certain representations ?

**The Honourable Sir Frank Noyce :** I am afraid that I must plead ignorance of the exact wording of the Act, but I shall be glad to find out and let the Honourable Member know.

#### PROHIBITION OF TRANSFER OF EXPORT QUOTAS OF TEA.

642. **\*Mr. S. C. Mitra :** (a) Is it a fact that a condition has now been provided whereby the tea gardens getting an additional crop basis, are not permitted to transfer their export rights ?

(b) Is it not a fact that in the referendum of the 14th January, 1933, taken from gardens regarding restriction of exports, it was expressly provided that the export quotas would be transferable ?

(c) Will Government please explain why the Indian Tea Licensing Committee should be permitted to frame rules prohibiting the transference of quotas in the case of gardens getting quotas on additional crop basis ?

**The Honourable Sir Frank Noyce :** (a) Government understand that when the Indian Tea Licensing Committee issues notices to tea estates advising them of the grant of additional export rights it lays down a condition that such export rights shall not be transferred. The Committee, however, makes it permissible for any estate to transfer its regulation export rights if the additional export rights granted under rule 4 of the rules made under section 23 of the Indian Tea Control Act are relinquished by the 15th September.

(b) Yes. It may be mentioned, however, that the Referendum did not provide for the grant of additional rights over and above the regulation export rights.

(c) Government are examining the legality and propriety of the steps taken by the Committee in this matter.

#### CONNECTION OF MR. SARAT CHANDRA BOSE WITH TERRORIST ACTIVITIES.

643. \***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the leaderette in the *Hindustan Times* of the 3rd July, 1934, wherein is stated :

“ The crime for which Mr. Bose (Sarat Chandra Bose) was clapped in prison was not active participation in the civil disobedience movement but suspicion that some of the money he gave so freely, for Patriotic objects found its way into the hands of organizations declared unlawful by the Government ” ?

(b) Is this statement mainly correct ?

(c) Have Government any evidence in their possession to prove that Mr. Bose had any knowledge that the money he gave for patriotic and charitable objects was ever misused for any illegal purposes ?

(d) Is it a fact that there is not an iota of evidence against Mr. Sarat Chandra Bose being directly connected with any terrorist activities ?

(e) Is it not a fact that the main charge against Mr. Bose is that he was an associate of his younger brother, Mr. Subhas Bose ?

**The Honourable Sir Henry Craik :** (a) I have seen an article containing the quotation in the *Hindustan Times* of the 1st August.

(b) to (c). I would refer the Honourable Member to the answers given by me to Mr. Bhuput Sing's question No. 261 and to the supplementary question thereon on the 1st August, and to my speech on August 16th, to which I have nothing to add.

**Mr. S. C. Mitra :** Relating to part (d), may I take it that my question is correct ?

**The Honourable Sir Henry Craik :** No ; certainly not.

#### MEMORIAL SUBMITTED BY THE STAMP VENDORS OF THE RANGOON GENERAL POST OFFICE.

644. \***Mr. S. C. Mitra :** (a) Has the attention of the Director General of Posts and Telegraphs been drawn to the memorial submitted by the Stamp Vendors of the Rangoon General Post Office and its T. S. Os.

for raising and restoring their status from the "inferior non-pensionable to superior pensionable" ?

(b) Is it a fact that formerly this class of Government servants was treated in cadre like the 'sorting and overseer postmen' and not like ordinary 'postmen' ?

(c) Is it a fact that their scale of pay was always higher than that of the postmen and was exactly on the same footing as that of the 'sorting and overseer postmen' who are ranked superior ?

(d) Do Government contemplate classifying their service as 'superior pensionable service' ?

**The Honourable Sir Frank Noyce :** (a) and (d). Eight Departmental Stamp Vendors of the Rangoon General Post Office have submitted identical petitions, dated the 10th July, 1934, to the Director General of Posts and Telegraphs, in which they pray that the status of their service may be raised from "inferior non-pensionable" to "superior pensionable". The petitions are under the consideration of the Director General.

(b) and (c). The Departmental Stamp Vendors in the Rangoon General Post Office and its Town Sub-offices were and are on the same scale of pay as sorting and Overseer Postmen, but they have never been included in the cadre of such Postmen. In the case of all men appointed after the 20th November, 1923, as Departmental Stamp Vendors, service is inferior and non-pensionable.

#### DEVELOPMENT OF SALT MANUFACTURE IN BENGAL.

645. **\*Mr. S. C. Mitra :** (a) Will Government please make a statement regarding the steps already taken by the Government of Bengal to develop the salt manufacture there ?

(b) What are the further measures that they contemplate to take in the near future ?

(c) What amount of money they propose to spend on their schemes ?

(d) How many ware-houses are going to be built, and when ?

(e) How many littoral districts there are in Bengal ? Will ware-houses be built in each such district ?

**The Honourable Sir James Grigg :** (a) and (b). The Honourable Member will find a full statement of the steps taken by the Government of Bengal to explore this matter in the speeches of the Finance Member of that Government in the Bengal Legislative Council on the 16th of March, 1933, and the 13th of March, 1934. I wish to add that since the debate in the Assembly on the 28th of March, 1934, we have been in communication with the Government of Bengal on the subject, and the Government of India are satisfied that the Government of Bengal have fully complied with the terms of the Assembly's Resolution of the 1st of April, 1931, and that they have been well advised not to waste money on schemes which hold out no prospects of success. At the same time, the Government of Bengal have been pursuing further enquiries into the possibility of developing salt manufacture in Bengal. They referred the question to their Board of Industries and they recently received their report which is at present under consideration.

(c) As no scheme has yet been approved, there is no question at present of any expenditure.

(d) The Government of Bengal have under examination a scheme for establishing two warehouses as an experimental measure.

(e) Seven. The scheme under examination provides for warehouses in two districts only.

**Mr. K. C. Neogy :** Is the Honourable Member aware, with reference to his statement that the Government of Bengal has fully carried out the terms of the Resolution of the Assembly, that his predecessor in office held a contrary view ?

**The Honourable Sir James Grigg :** Yes, Sir.

**Mr. K. C. Neogy :** What has happened since the predecessor of the Honourable Member made that statement in the House to change the opinion in the matter ?

**The Honourable Sir James Grigg :** That is contained in my answer to Mr. Mitra's question :

“ I wish to add that since the debate on the Assembly on the 28th March, 1934, we have been in communication with the Government of Bengal on this subject.”

**Mr. K. C. Neogy :** Do I take it then that the mere fact that the Government of India have been in communication with the Government of Bengal establishes the point that the Government of Bengal have carried out the terms of the Resolution of the Assembly ?

**The Honourable Sir James Grigg :** That is not the effect of my answer. I stated that the Government of India are satisfied that the Government of Bengal are carrying out the terms of the Resolution of the Assembly.

**Mr. K. C. Neogy :** Will the Honourable Member give the House an idea of the steps that the Government of Bengal have taken and which have led the Honourable Member to say that the Government of India are satisfied ?

**The Honourable Sir James Grigg :** That will take too long. It is a matter for debate, and not for a reply to a question.

**Mr. K. C. Neogy :** Will the Honourable Member be pleased to lay on the table of the House a statement about the matter ?

**The Honourable Sir James Grigg :** The information is fully contained in the speeches of the Finance Member to the Government of Bengal to which I have already referred.

**Mr. K. C. Neogy :** Is the Honourable Member aware of the fact that those speeches were made before the statement of his predecessor in this House to the effect that the Government of Bengal had failed to carry out the terms of the Resolution of the Assembly ?

**The Honourable Sir James Grigg :** Yes, I am also aware that the Government of Bengal took the strongest exception to the statement of my predecessor.

**Mr. K. C. Neogy :** What has happened actually that has gone to satisfy the Honourable Member that his predecessor was wrong ?

**The Honourable Sir James Grigg :** I have investigated the matter myself in consultation with the Government of Bengal.

**Sir Cowasji Jehangir :** Does the Honourable Member disagree with his predecessor ?

**The Honourable Sir James Grigg :** The Honourable Member can draw whatever inference he likes from my answer.

**Sir Cowasji Jehangir :** I am not here to draw inferences. I am here to get information. Does the Honourable Member say that he disagrees with his predecessors ?

**The Honourable Sir James Grigg :** Yes, Sir ; I do.

**Mr. K. C. Neogy :** On what grounds ?

**The Honourable Sir James Grigg :** On the ground that I have conducted an investigation myself in consultation with the Government of Bengal in this matter.

**Mr. K. C. Neogy :** Will the Honourable Member take the House into his confidence and give us the facts ? It is not sufficient if he merely says he has investigated the matter and has satisfied himself.

**Mr. Gaya Prasad Singh :** When the Honourable Member's predecessor made this statement, did he make it in his personal capacity or as representing the views of the Government of India ?

**The Honourable Sir James Grigg :** I could not answer that. I was not here.

**Mr. K. C. Neogy :** Does the Honourable Member realise the seriousness of the position when a responsible Member of the Government states that he disagrees with his predecessor in office ?

**The Honourable Sir James Grigg :** Perfectly.

**Mr. K. C. Neogy :** What is the Honourable Member going to do for the purpose of satisfying this House that the Honourable Member is correct and his predecessor was not ?

**The Honourable Sir James Grigg :** If the Honourable Member will put down a question on paper, I will answer that.

**Mr. Gaya Prasad Singh :** There is no time now for giving notice of questions.

**Mr. S. C. Mitra :** With reference to part (e) of my question, may I take it that the two warehouses that are going to be built are only as an experimental measure, and that if they are successful, there will be seven more warehouses built in the seven littoral districts of Bengal ? Am I right ?

**The Honourable Sir James Grigg :** I am sorry, but that was not the effect of my answer. If the Honourable Member will refer to part (d) of the answer, he will see that the Government of Bengal have not yet come to any final conclusion, even on the scheme for establishing two warehouses which they have under consideration.

#### DEVELOPMENT OF SALT MANUFACTURE IN BENGAL

646. **\*Mr. S. C. Mitra :** (a) Will Government please state if the Bengal Government are going to bring any salt expert from Burma and Madras to Guide the Salt Manufacture in Bengal ?



(b) Is it a fact that demonstration factories were started in Burma some years ago by Government where salt manufacture was first taken up ?

(c) Do Government contemplate establishing some such demonstration factories in Bengal ? If not, why not ?

(d) Do Government propose to send some officials from Bengal to visit Burma and Madras to acquire experience of local salt manufacture ?

**The Honourable Sir James Grigg :** (a) The Government of Bengal have a proposal of this nature under consideration.

(b) Only one such factory was established and that has now been closed.

(c) Not at present. The enquiries made by the Government of Bengal into possible methods of salt manufacture have not disclosed any facts which would justify the establishment of demonstration factories in that Province.

(d) Not at present.

**Mr. S. C. Mitra :** With reference to the reply to part (b) of the question that there was only one factory established and that that has now been closed, may I take it that this was due to the fact that it had already fulfilled its purpose ? If so, are Government ready to open such demonstration factories in Bengal also after satisfying themselves about the necessity of such factories ?

**The Honourable Sir James Grigg :** As far as the first part is concerned. I believe that is so.

**Mr. Jagan Nath Aggarwal :** May I know if any attempt has been made to supply powdered salt from Khewra to Bengal ?

**The Honourable Sir James Grigg :** I believe I have some recollection of its having been mentioned during the proceedings of the Public Accounts Committee that one or two experimental consignments had been sent to Bengal, but that they were not sold. At any rate, it was quite clear that Khewra salt could not be supplied at an economic price.

#### LOCAL GOVERNMENTS SHARE OF THE ADDITIONAL SALT DUTY.

647. **\*Mr. S. C. Mitra :** (a) What amount of money is now lying at the disposal of the Government of India which they may distribute to the Provinces for encouraging local salt manufacture ?

(b) Have Government already distributed to the Local Governments their share of the additional salt duty ? If so, when, and how much ?

**The Honourable Sir James Grigg :** (a) About 1½ lakhs.

(b) I lay a statement on the table.

I wish to add that in connection with my Honourable friend's question, that my attention has been drawn for the first time to the undertaking given by my predecessor, in reply to a supplementary question on the 20th April by Mr. Neogy, that no distribution to Provinces should be made until the House had had an opportunity of discussing the Resolution. I have, of course, enquired why in view of this undertaking a

distribution has been made, and have ascertained that it was due to an oversight for which I must express my great regret.

*Statement showing the distribution of the additional import duty on foreign salt made on 29th May, 1934, for the latter half year of 1933-34.*

								Rs.
Burma	..	..	..	..	..	..	..	1,11,700
Bengal	..	..	..	..	..	..	..	93,900
Bihar and Orissa	..	..	..	..	..	..	..	49,600
Assam	..	..	..	..	..	..	..	11,300
Bombay	..	..	..	..	..	..	..	2,900
United Provinces	..	..	..	..	..	..	..	1,500
Central Provinces	..	..	..	..	..	..	..	100
Madras	..	..	..	..	..	..	..	100
Total								2,71,100

**Mr. S. G. Jog :** May I know if the amount is being distributed to all the Provinces or only to a few ?

**The Honourable Sir James Grigg :** That information is contained in the statement I have laid on the table.

**Mr. K. C. Neogy :** When did this distribution take place, please ?

**The Honourable Sir James Grigg :** I believe in April. No, I am sorry, it must have been in May, for it was certainly after my arrival.

#### DISCUSSION OF THE SALT RESOLUTION IN THE LEGISLATIVE ASSEMBLY.

648. **\*Mr. S. C. Mitra :** (a) Do Government propose to convene a meeting of the Salt Committee before the present Assembly is dissolved ?

(b) Do they propose to call the Commissioners of Salt, or their representatives, to be present during the discussions of the Salt Committee ?

(c) When are Government allotting a day during this Session to discuss the Salt Resolution ?

**The Honourable Sir James Grigg :** (a) No. There is nothing at present to put before the Committee.

(b) Does not arise.

(c) I understand (my Honourable friend, Mr. Neogy, will be able to correct me if I am wrong) that, as a result of informal discussions after the debate on the 28th March, it was arranged that Members interested in this matter should try and arrive at an agreed formula for the amendment of the Resolution and that, when this was done, Government would give facilities for its discussion. I do not know what progress has been made in this direction, but if notice is given of any such amendment to the Resolution, Government will of course try to arrange for its discussion in accordance with the promise given by my predecessor. I am afraid, however, that it will not be possible to arrange for a day until after the Government business of the Session has been disposed of.

**Mr. K. C. Neogy :** Do I take it then that the Government of India intend to set apart some time for the discussion of this Resolution whenever it is ?

**The Honourable Sir James Grigg :** No, Sir ; I do not want anything to be assumed from my answer that is not contained in it. The proposal was that there should be a discussion during this Session, and if there is a demand for a discussion in this Session, Government will certainly try and meet it.

**Mr. K. C. Neogy :** Does the Honourable Member realise that when the matter came up before this House in April last, its consideration was postponed on a motion made by myself ? May I also tell him that without a discussion of the Resolution, Government will not be justified in making the distribution ?

**The Honourable Sir James Grigg :** I shall have to look into that. When I enquired about this point, I understood that, in the absence of any further action, distribution would go on in accordance with the old Resolution.

**Several Honourable Members :** No, not at all.

#### KEEPING OF STATE PRISONERS AT ONE PLACE.

649. **\*Mr. S. C. Mitra :** (a) Will Government please state how far the policy of keeping all the State prisoners, now detained in various jails in the Punjab, Madras and the Central Provinces, at one place near Nasik, has advanced ? By what time are they likely to be taken to that central detention camp ?

**The Honourable Sir Henry Craik :** As regards the first part of the question, no such proposal is under the consideration of the Government. The second part does not arise.

#### ILLNESS OF STATE PRISONER MR. JIBON LAL CHATTERJEE.

650. **\*Mr. S. C. Mitra :** (a) Is it a fact that State prisoner, Mr. Jibon Lal Chatterjee, detained in the Central Jail at Rajahmundry, Madras, has been suffering from tuberculosis and appendicitis ?

(b) What is his present weight now ?

(c) Is it a fact that he has lost one-fifth of his weight when he was first detained ?

**The Honourable Sir Henry Craik :** (a) Yes, he is suffering from an early stage of tuberculosis and has been recommended to undergo an operation for appendicitis when his health, which is indifferent, has improved.

(b) and (c). When first detained under the Regulation in 1931, his weight was 112 lbs. In June last, it was 91 lbs., and in July, 89 lbs. But since his transfer to Bellary, following the recommendation of the medical authorities at the Tuberculosis Hospital, Madras, who examined him in May last, he has gained eight pounds, his present weight being 97 lbs.

#### DIET ALLOWANCE OF STATE PRISONER MR. JIBON LAL CHATTERJEE.

651. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Medical Officer of the Rajahmundry Central Jail is under the impression that the cost of

diet of the State prisoner, Mr. Jibon Lal Chatterjee, should not exceed the diet allowance of Re. 1-4-0 per diem ?

(b) Is it not a fact that prisoners are entitled to hospital diet that may be more costly than ordinary prisoner diet ?

(c) Are not the State prisoners entitled to a diet that is prescribed by experts for their health during treatment, though it may exceed the ordinary diet allowance ?

**The Honourable Sir Henry Craik :** (a), (b) and (c). The diet allowance of the State prisoner Jibon Lal Chatterjee has recently been increased from Rs. 1-4-0 to Rs. 2 on account of the special diet prescribed for him by the medical authorities.

**ILLNESS OF STATE PRISONER MR. JIBON LAL CHATTERJEE AND HIS TRANSFER TO THE NASIK JAIL.**

652. **\*Mr. S. C. Mitra :** (a) Is it a fact that State prisoner, Jibon Lal Chatterji, was examined by experts in the Madras Hospital and his case has been diagnosed as suffering from tuberculosis and appendicitis ?

(b) Did the experts prescribe any medicine and special food ?

(c) Is it a fact that when an item in the prescription was not available in the jail hospital, the local Medical Officer to avoid extra costs of purchasing from the market, substituted other inferior medicines without consulting the experts ?

(d) Is it a fact that Mr. Chatterjee has lost four pounds more under the treatment and diet prescribed by the Medical Officer of the Rajahmundry jail ?

(e) Is it a fact that the experts advised that Mr. Chatterjee should be transferred to a colder climate ? Do Government propose to get him transferred to the Nasik jail ?

**The Honourable Sir Henry Craik :** (a), (d) and (e). I have already answered these parts of the question.

(b) No medicines were prescribed by the expert beyond a daily colon lavage. The special diet prescribed by the Medical Officer of the Jail was approved by the Superintendent, Tuberculosis Hospital, Madras.

(c) No.

**MONTHLY CONSOLIDATED ALLOWANCE FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.**

653. **\*Mr. S. C. Mitra :** (a) Is it a fact that Government contemplate fixing a consolidated monthly allowance for the non-official Members of this house in place of the daily allowance ?

(b) Will it apply to the case of officials also ?

(c) Is it a fact that the official Members now receive the usual daily allowance in addition to their full salary, and all other emoluments, including sometimes the travelling allowances of their peons also ?

(d) What are the reasons for this additional payment of daily allowances ?

(e) How many speeches were delivered by official nominated Members, on an average, daily during the last four Sessions of this Assembly

(f) Do the officials of the Government of India headquarters who are nominated to the Assembly also get an additional daily allowance? If not, why, and what is the reason for this discrimination?

**The Honourable Sir James Grigg :** (a) and (b). Government have had under consideration the question of replacing the present system of daily allowances, by a fixed annual payment, in the case of non-official Members only.

(c) and (d). Official Members, whose headquarters are elsewhere than at Delhi and Simla, receive the same daily allowance as non-official Members and for precisely the same reason, namely, to compensate them for the extra expenditure involved in living elsewhere than at their usual place of residence. If an official Member, serving under a Provincial Government, continues in charge of his ordinary duties during his period of Membership of the Assembly, a peon accompanying him in connection with his ordinary official duties receives the usual travelling allowance from the Local Government concerned. The official Member receives no benefit from the travelling allowance paid to the peon.

(e) Government do not consider that the value of the information sought would be commensurate with the labour involved in extracting it. If the Honourable Member thinks otherwise, it is open to him to extract the information from the Official Debates.

(f) No; because the reasons for paying the daily allowance which have been explained in the reply to parts (c) and (d) have no application to such official Members.

**Mr. Gaya Prasad Singh :** Is it not a fact that if the official Members do not contribute by their speeches, they at least contribute by their votes? (Laughter.)

**The Honourable Sir James Grigg :** I believe that is so. (Laughter.)

**Dr. Ziauddin Ahmad :** With reference to part (e) of the question did Government consider a proposal that the official Members coming from the Provinces should meet in this House once a week and review the speeches of the Opposition, and the Members of the Opposition should be allowed to sit in the galleries then? (Laughter.)

**The Honourable Sir James Grigg :** I do not know anything about that.

**Sir Cowasji Jehangir :** Is the Honourable Member aware that, on more than one occasion, from this side of the House the Government were informed that economy could be effected by dispensing with the services of these Honourable Members who come from the Provinces drawing their usual salaries, some of which amount to Rs. 3,000 and more, and by substituting them by dummies who could vote? (Laughter.)

**The Honourable Sir James Grigg :** I daresay further economy could be effected if a large number of Members were replaced by non-talking machines.

**Mr. Gaya Prasad Singh :** But the non-official Members are obliged not to the Government, but to their own constituencies for the seats, but so far as the official Members are concerned, Government might seriously

consider the question of replacing high paid officials who draw large amounts of salaries by clerks and others who could merely come and give their votes ? (Laughter.)

**The Honourable Sir James Grigg :** That is a new suggestion. The Honourable Member may, if he likes, put a question on the paper.

**Mr. Vidya Sagar Pandya :** Is it not a fact that on one occasion a Member from the Government side sent a note to the Leader of the House and asked permission to speak, but the note was returned with the remark, " I want your vote, and not your speech " ? (Laughter.)

**The Honourable Sir James Grigg :** The Honourable Member is giving me information and not asking for it.

**Mr. S. G. Jog :** Is it a fact that the provincial officers have made a complaint that the Government of India officials do not give encouragement to the provincial officers to make speeches ?

**The Honourable Sir James Grigg :** That also is giving me information and not asking for it.

#### APPLICATION OF THE NEW CONDITIONS OF SERVICES IN THE ARMY HEADQUARTERS.

**654. \*Mr. S. C. Mitra :** (a) Is it a fact that the new conditions of service, recently introduced in the Army Headquarters offices, have been applied to those civilian clerks too who entered service as a result of the competitive examination held by the Public Service Commission in November, 1932, notwithstanding the fact that they received no warning from the Public Service Commission, either at the time of holding the examination or at the time of their appointment, that there was any possibility of their being governed under the Indian Army Act ?

(b) Is it a fact that all those persons who entered similar services as a result of the competitive examination held by the Public Service Commission in February, 1931, have been confirmed on old rates of pay on account of the fact that they were not specifically warned before or at the time of examination that the rates of pay of the posts for which they were candidates, were under revision ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state why the new conditions of service have been applied to those individuals who were not warned at all about the same, either before or at the time of examination or even at the time of appointment, and why the same policy has not been followed in these cases ?

(d) Is it a fact that the persons concerned made representations to the Public Service Commission for exemption from the revised conditions of service in the month of January, 1934, and that the views communicated by the Public Service Commission on those representations to the Government of India were in favour of such exemption ?

(e) Will Government be pleased to state whether they propose to ask the Public Service Commission to transfer such persons to Civil Secretariat and Attached Offices on the occurrence of vacancies in those

offices and appoint new persons in their places who, after receiving due warning before appointment, may be willing to accept enrolment under the Indian Army Act ?

(f) Will Government be pleased to state what other action they propose to take in the matter ?

**Lieut.-Colonel A. F. R. Lumby :** (a) and (b). Yes.

(c) The attention of the Honourable Member is drawn to the reply given in the Legislative Assembly on the 2nd March, 1934, to Mr. Uppi Sahab Bahadur's starred question No. 304.

(d), (e) and (f). The attention of the Honourable Member is drawn to my reply to his starred question No. 467 in the Legislative Assembly on the 7th August, 1934, to which, I am afraid, I am not yet in a position to add anything.

#### MANAGEMENT OF THE LAC RESEARCH INSTITUTE.

**655. \*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Indian Lac Cess Act of 1921 was passed for a period of ten years in the first instance with the object of taking measures to improve the cultivation and manufacture of lac with a view to its industrial utilization, and check the competition from synthetic substitutes, and for this purpose a cess on all exports of lac was imposed ?

(b) Is it not a fact that the management was entrusted to the Committee of the Indian Lac Association for research which was subsequently replaced by the Indian Lac Cess Committee, created under the Lac Cess Act of 1930, which runs a Lac Research Institute, established in 1923, at Nankum, near Ranchi ?

**Mr. G. S. Bajpai :** (a) The operative sections of the Indian Lac Cess Act, 1921, were to remain in force for five years. These sections were subsequently extended in 1926 for a further period of five years. The object of the Act was to take steps for the promotion of the methods of cultivation and manufacture of lac by means of scientific research. At that time no synthetic substitute which could be commercially utilized had been discovered, but considerable progress has since been made towards discovering such substitutes.

(b) Yes.

#### MANAGEMENT OF THE LAC RESEARCH INSTITUTE.

**656. \*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Lac Cess Committee consists of a President, who is the Vice-Chairman of the Imperial Council of Agricultural Research, and sixteen members, nominated in such a way that there are nine *ex-officio* members, two non-official Europeans, and only five non-official Indians on it ?

(b) Is it a fact that the lac cultivator has been invariably represented on the Committee by the Commissioner of Chota Nagpur, or the Deputy Commissioner of Ranchi ? Could not Government find a suitable Indian zemindar, or any other non-official Indian to represent the interests of the lac cultivators ?

(c) Is it not a fact that Bengal and the Central Provinces have sent non-official representatives on the Committee?

(d) Do Government propose to re-construct the Committee on a more satisfactory basis?

**Mr. G. S. Bajpai :** (a) Besides the President, there are 16 members of the Committee, of whom six and not nine are *ex-officio* members. Of the five members to be nominated by Local Governments, two are officials. There are in all eight non-officials on the Committee of whom six are Indians. I would add that the present constitution of the Committee was designed to secure the representation of scientific experience and of special interests.

(b) The cultivators' interest in Bihar and Orissa has been represented in the manner mentioned in the question. Under the Act the nomination rests with the Local Government.

(c) Yes.

(d) The question of re-constructing the Committee is under consideration.

**Mr. Gaya Prasad Singh :** May I know how the Commissioner of the Division, an official, is expected to represent the interests of lac cultivators in Bihar?

**Mr. G. S. Bajpai :** I presume for the reason that he is in intimate touch with the cultivators.

**Mr. Gaya Prasad Singh :** Oh !

**Mr. B. V. Jadhav :** May I know from the Government whether the competition from the synthetic lac is growing stronger or weaker now?

**Mr. G. S. Bajpai :** It was the growing strength of the competition from the substitutes that led to the appointment of research workers in England.

**Mr. Gaya Prasad Singh :** Do I understand my Honourable friend to say that the question of the composition of this Committee is under consideration?

**Mr. G. S. Bajpai :** I have already said, that the question of re-constructing the Committee is under consideration.

#### INDIANISATION OF THE LAC RESEARCH INSTITUTE.

657. **\*Mr. Gaya Prasad Singh :** (a) What is the total strength of the Superior Staff of the Lac Research Institute, and how many of them are Europeans and Indians, and on what salaries?

(b) What steps do Government propose to take to Indianise the staff?

**Mr. G. S. Bajpai :** (a) Twelve, of whom three are Europeans. A statement showing their salaries, etc., is laid on the table.

(b) The Honourable Member's attention is invited to the answer given to Mr. Neogy's question No. 5 on the 16th July, 1934.



*Statement showing salaries, etc., of the Superior Staff of the Indian Lac Research Institute.*

Name.	Designation.	European or Indian.	Salary.
Mrs. Norris ..	Director and Biochemist	European ..	Rs. Pay Rs. 1,800 per mensem. Entertainment allowance Rs. 100 per mensem. Car allowance Rs. 50 per mensem.
Mr. Thakur ..	1st Assistant to the Biochemist.	Indian ..	Rs. 280 (on leave ex-India.)
Mr. Murty ..	2nd Assistant to the Biochemist.	Do. ..	Rs. 170.
Mr. Venugopalan ..	1st Field Chemist ..	Do. ..	Rs. 325.
Mr. Ranganathan ..	2nd Field Chemist ..	Do. ..	Rs. 230 <i>plus</i> Meteorological allowance Rs. 20.
Mr. Clover ..	Entomologist ..	European ..	Rs. 850.
Mr. Negi ..	Assistant Entomologist..	Indian ..	Rs. 260.
Mr. Misra ..	1st Field Assistant ..	Indian ..	Rs. 210.
Mr. Gupta ..	2nd Field Assistant ..	Indian ..	Rs. 210.
Dr. Aldis ..	Physico-Chemist ..	European ..	Rs. 800.
Mr. Rangaswami ..	1st Assistant to Physico-Chemist.	Indian ..	Rs. 325.
Mr. De ..	Analytical Chemist ..	Indian ..	Rs. 140.

RESIGNATION OF RAI BAHADUR C. S. MISRA FROM THE LAC RESEARCH INSTITUTE.

658. \***Mr. Gaya Prasad Singh** : (a) Is it a fact that Rai Bahadur C. S. Misra, with high qualifications and twenty years' experience of lac cultivation, joined the Lac Research Institute in January, 1926, but had to resign in April, 1927 ?

(b) What are the circumstances that led to his resignation ?

**Mr. G. S. Bajpai** : (a) The dates of appointment and resignation mentioned by the Honourable Member are correct.

(b) Mr. Misra gave no reasons for his resignation.

APPOINTMENT OF THE HEAD OF THE ENTOMOLOGICAL SECTION.

659. \***Mr. Gaya Prasad Singh** : Is it a fact that due to advertisement in England only, a young man from Leeds, who took his B.Sc. degree

in 1928 was appointed as the head of the Entomological Section to guide the work of first class M. Sc.'s of the Indian universities with many years of post-graduate experience ?

**Mr. G. S. Bajpai :** Mr. Glover, the officer referred to, holds a B.Sc. (Hon.) degree, and was appointed on an advertisement issued in England. The three assistants are M.Sc.'s of Indian Universities but no information is available as to the classes they took in the examinations and the length of their post graduate experience.

**Mr. Gaya Prasad Singh :** Do I understand my Honourable friend to say that this gentleman was appointed as a result of the advertisement which appeared in England only ?

**Mr. G. S. Bajpai :** I answered a question on the subject some time ago, when I said that both the Chemist and the Entomologist were appointed after advertisement in England only and not in India.

**Mr. Gaya Prasad Singh :** Then why was an advertisement not made in India as well in order to find out whether any suitable Indians were available ?

**Mr. G. S. Bajpai :** I explained the position at the time, that the Government of India were not responsible in any way for these appointments at the time that they were made.

**PRACTICAL RESULTS OBTAINED IN THE FIELD OF RESEARCH, CULTIVATION OF LAC, ETC., IN THE LAC RESEARCH INSTITUTE.**

660. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that over two lakhs of rupees are being spent annually over the Lac Research Institute ?

(b) What practical results have so far been obtained in the field of research, and the scientific improvement and cultivation of lac and its industrial utilization ?

**Mr. G. S. Bajpai :** (a) The average annual expenditure on the Institute is about Rs. 1,21,000.

(b) Attention is invited to the answer given to question No. 563 on August 14th.

**DIRECTOR OF THE LAC RESEARCH INSTITUTE.**

661. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Director of the Lac Research Institute, who is a lady Bio-Chemist, draws a salary of Rs. 1,700, an entertainment allowance of Rs. 100, a car allowance of Rs. 50 per month, with large rent-free quarters, and free supply of water and electricity ?

(b) Is it a fact that her contract of service is due to expire on the 31st December, 1934, and is there any proposal of renewing her contract ? If so, why ?

(c) Is it proposed to advertise for the post in India ?

**Mr. G. S. Bajpai :** (a) Attention is invited to the statement laid on the table in answer to question No. 657 today.

(b) Yes. The question of the renewal of her agreement is being considered by the Government of India.

(c) Attention is invited to the reply to question No. 657 (b).

**Mr. Gaya Prasad Singh :** May I know why this entertainment allowance is paid to this lady ?

**Mr. G. S. Bajpai :** We had a series of supplementary questions asked on that subject last March. I explained then that this was part of the agreement which was entered into with this lady by the Committee at a time when the appointment was not subject to the approval of the Governor General in Council. The question whether the entertainment allowance should be continued will come up for consideration when the question of renewing the agreement is decided upon by the Government.

**Mr. Gaya Prasad Singh :** My question was, what is the meaning of this entertainment allowance ? Is it for the entertainment of friends ? I want to understand how this money is being spent ?

**Mr. G. S. Bajpai :** I believe the idea is that she should be enabled to meet the expenses of entertaining members of the Committee when they visit Nankum.

**Mr. Gaya Prasad Singh :** Have the members of the Committee drawn travelling or halting allowances for the days for which they have been called to attend those particular meetings ?

**Mr. G. S. Bajpai :** I could not say whether they draw travelling and halting allowances for those days or not.

**Mr. Gaya Prasad Singh :** Does the Honourable Member realise that there is a serious point involved in this ? If this entertainment allowance has been given to this lady in order to entertain members of the Committee when they come to attend to their official duties, then if those members have drawn halting allowances for those days, it would be very unjust and inequitable. Will Government kindly make inquiries into this matter in view of the answer just now given ?

**Mr. G. S. Bajpai :** My information is that the amount of the entertainment allowance is Rs. 100 per mensem. There are actually 17 members of the Committee, and I think my friend will agree that even if they stayed for three days, Rs. 100 will not cover the cost of maintaining them.

**Mr. Gaya Prasad Singh :** I take my Honourable friend to say that this entertainment allowance is not intended to meet the legitimate expenses of the members of the Committee when they go there to attend to their official duties, but for other purposes ?

**Mr. G. S. Bajpai :** I did not express any views as to the expenses being legitimate or illegitimate. The point is that this amount is intended to enable the Director to entertain members in the ordinary way.

**Mr. K. C. Neogy :** Will the Honourable Member be pleased to inquire and find out to what extent the social amenities of Ranchi have been improved by the appointment of this lady ?

**Mr. G. S. Bajpai :** When I answered a number of supplementary questions on the last occasion, I was informed that since the Institute came into being, the amenities of Ranchi have greatly improved.

**Sir Cowasji Jehangir :** Did not the Honourable Member, in reply to one of the supplementary questions he has referred to, inform the House that this allowance was for the purpose of entertaining visitors who come to this place which, being an out of the way place, has no social amenities?

**Mr. G. S. Bajpai :** Certainly. My Honourable friend is not exactly correct as regards visitors—I said members of the Committee and visitors. It is perfectly true that I said on that occasion that the entertainment allowance was given by reason of the lack of amenities. I was corrected on that point by my Honourable friend, Mr. Gaya Prasad Singh, to whose local knowledge I bowed.

**Mr. Gaya Prasad Singh :** I did not claim any local knowledge in this matter. (Laughter.)

**Mr. G. S. Bajpai :** I am sorry to have attributed to my Honourable friend a qualification which he disclaims.

**Mr. Gaya Prasad Singh :** May I know why this lady is being given rent free quarters? I understand that, under the rules of the Government, a Government servant has to pay one-tenth of his salary.

**Mr. G. S. Bajpai :** I have already explained in regard to terms not only of this member of the staff, but of others, that these were sanctioned by the Lac Cess Committee at a time when the terms were not subject to the approval of the Governor General in Council. I really cannot say what exactly were the reasons which influenced the Committee to make these concessions.

**Mr. Gaya Prasad Singh :** What is your answer to (c)? Is it proposed to advertise for the post in India? What do you say to that?

**Mr. G. S. Bajpai :** I said I had, on a previous occasion, given an undertaking that the desirability of advertising this post in India will be brought to the notice of the Indian Lac Cess Committee. A communication on that subject has already been addressed to the Lac Cess Committee. I understand that they are going to consider that matter in November when they meet.

#### RESEARCH SCHEME IN ENGLAND UNDER THE LAC CESS COMMITTEE.

662. **\*Mr. Gaya Prasad Singh :** Is it a fact that in addition to the Nankum Institute, which annually costs over Rs. 1,40,000, there is a Research Scheme in England under the Lac Cess Committee, at an approximate annual expenditure of about Rs. 50,000, besides the American Research Scheme financed by the Lac Cess Committee to the extent of Rs. 25,000 per annum?

**Mr. G. S. Bajpai :** The English research scheme is estimated to cost about £12,000 spread over a period of three years. The American research scheme is costing Rs. 25,000 per annum and has been sanctioned for a period of three years also.

#### NON-APPOINTMENT OF AN INDIAN AS THE HEAD OF A DEPARTMENT IN THE LAC RESEARCH INSTITUTE.

663. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Lac Cess Committee appointed in 1930 a young B.Sc. from London, bearing a

recommendation from his professor that "though a little stolid, he will serve your purpose" ?

(b) Is it a fact that no Indian has ever been appointed as the head of any Department of the Institute (Bio-Chemistry, Entomology, and Physico-Chemistry) ?

**Mr. G. S. Bajpai :** (a) Mr. Aldis was slightly below 24 years of age at the time of his appointment. The London Selection Committee which recommended him "regarded him as quite a good type of candidate, possibly a little stolid but one likely to do sound work and to get on well with his colleagues". His professors gave him an excellent testimonial.

(b) Rai Bahadur Misra was the head of the Entomological Department of the Institute in 1926-27 and Mr Negi officiated in that capacity in 1932.

**Mr. B. V. Jadhav :** Will the Honourable Member tell the House whether his stolidity still continues or it has improved with time ?

**Mr. G. S. Bajpai :** Not having had the privilege of knowing that gentleman, I am not in a position to say how his stolidity has varied since he came to this country.

#### ENQUIRY INTO THE AFFAIRS OF THE LAC RESEARCH INSTITUTE.

664. **\*Mr. Gaya Prasad Singh :** Do Government propose to hold an enquiry into the affairs of this Institute, with the help of non-officials, in order to devise means for the purpose of putting it on a proper and satisfactory footing ?

**Mr. G. S. Bajpai :** The attention of the Honourable Member is invited to the answers I gave to the supplementary questions asked in connection with question No. 383 on the 6th of this month.

#### PUBLIC EXECUTION OF TWO NOTORIOUS DACOITS OF LARKANA, SIND.

665. **\*Mr. Gaya Prasad Singh :** Is it a fact that on the recommendation of the District Magistrate of Larkana, the Government of India have ordered that two notorious dacoits of the gang of Abdul Rahman, who have been sentenced to death, and whose petitions of mercy have been rejected, should be hanged on the 8th August, 1934, publicly at Shahdad Kot, Larkana District, Sind, in order to strike terror amongst the criminal people there ?

**The Honourable Sir Henry Craik :** No, Sir. The method of execution is a matter entirely within the discretion of the Local Government.

**Dr. Ziauddin Ahmad :** What is the meaning of "No" ? Is it a fact that they were hanged.

**The Honourable Sir Henry Craik :** I believe they were.

**Sir Abdur Rahim :** Do the Government of India approve of the action taken by the Local Government or the Magistrate in this matter ?

**The Honourable Sir Henry Craik :** That is asking me for an expression of opinion. The matter is one for the discretion of the Local Government.

**Sir Abdur Rahim :** Will the Government of India take action to discourage any such exhibitions on the part of Local Governments ?

**The Honourable Sir Henry Craik :** I do not see any reason for interfering with the discretion of the Local Government in this matter.

**Mr. Gaya Prasad Singh :** Do I understand you to say that the Government of India were not consulted in the matter of the hanging of these two prisoners publicly ?

**The Honourable Sir Henry Craik :** That is true.

**Seth Haji Abdoola Haroon :** Was this done by the Local Government or the Sind Government ? There are certain powers given to the Sind Commissioner. Is this his action or that of the Bombay Government ?

**The Honourable Sir Henry Craik :** The order was passed by the Bombay Government.

**Maulvi Muhammad Shafee Daoodi :** May we know who took the initiative in this matter ?

**The Honourable Sir Henry Craik :** I am not aware of that.

**Sir Abdur Rahim :** Did the Government of India have any communication with the Local Government on this subject at all either before or after this execution ?

**The Honourable Sir Henry Craik :** Just before the execution—I think on the day before—a certain number of Members of this House approached the Secretary of my Department, and, in consequence of that, a telegram was sent to the Bombay Government to the effect that the Bombay Government had no doubt considered the points made by the Members of the Assembly. The reply was practically that the Bombay Government had considered those points.

**Mr. Gaya Prasad Singh :** What was the purport of the telegram sent by the Government of India to the Local Government in connection with this execution ?

**The Honourable Sir Henry Craik :** The telegram stated that :

“ Certain Members of the Assembly had drawn attention to an announcement in the Press regarding the public execution of a dacoit in Sind and represented that it will be undesirable on general grounds and was likely to create communal feeling. If the report is true, we presume the Local Government had considered those points and can fully justify the action taken.”

**Mr. Gaya Prasad Singh :** Do Government propose to take steps to discourage this sort of public hanging in future, because it is a relic of barbarism ?

**The Honourable Sir Henry Craik :** I think the question should be addressed to the Bombay Government and the Bombay Legislative Council.

**Mr. Gaya Prasad Singh :** The Government of India have their power of direction, superintendence and control over local administrations and will they, in pursuance of those powers, take steps in future to discourage such things ?

**The Honourable Sir Henry Craik :** I will consider that suggestion.

**Dr. Ziauddin Ahmad :** Is this not the solitary example during this century in which persons have been publicly hanged in India?

**The Honourable Sir Henry Craik :** I should think not, but I am not certain.

**Seth Haji Abdoola Haroon :** Is the Honourable Member aware that on account of this, there has been a great excitement in the Sadar Court District?

**The Honourable Sir Henry Craik :** No, Sir, I am not aware of that.

**Dr. Ziauddin Ahmad :** Do not Government consider that public hanging, instead of having a deterrent effect, has just the opposite effect, and that the sympathy is always then extended to the dacoits?

**The Honourable Sir Henry Craik :** I think that is a matter of opinion. The Bombay Government took a different view.

#### ALLEGATIONS AGAINST THE STAFF OF THE AMBALA CITY RAILWAY STATION.

666. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that Srimati Lekhwati Jain, a prominent member of the Punjab Legislative Council, went to the Ambala City Railway Station (North Western Railway) on the night of the 22nd July, 1934, and asked the booking clerk for three tickets to Lahore by the Kalka Express, which leaves Ambala City at about 12-40 A.M. ; and that the booking clerk asked her to wait for a few minutes as he said he was counting the cash?

(b) Is it a fact that seeing the train approaching, she again asked the booking clerk after some time for the tickets, and that the booking clerk not only refused to give the tickets, but became "extremely angry", and "in quite an unbecoming manner", asked her to march out, and he was "grossly insolent, and his behaviour extremely threatening and provocative"?

(c) Are Government aware that the lady thereafter went to the Assistant Station Master on duty, who not only declined to receive her complaint, but "became rude, and positively refused to do anything", and it was with difficulty that she could get into her train in time?

(d) Are Government aware that Srimati Lekhwati Jain addressed the Traffic Superintendent of the Railway on the subject? If so, what is the result of her complaint?

(e) Is not Ambala City Station supposed to have 24 hours booking, and are Government aware, as stated in her complaint, that this is not the first instance of the "high-handedness, and unjustifiable behaviour" of the booking clerk and of the Assistant Station Master, and that "several respectable ladies and gentlemen of the town have previously been insulted by these two men"?

(f) What action has been taken, or is proposed to be taken, in this matter?

**Mr. P. R. Rau :** The incident referred to is being inquired into, I have asked the Agent to have the matter carefully investigated and to take such disciplinary action against those responsible as, after his investigation, the circumstances of the case may require.

**NOTICE SERVED ON MR. BAHAL SINGH NOT TO LEAVE DELHI, WITHOUT PERMISSION.**

667. \*Mr. Gaya Prasad Singh : (a) Is it a fact that Mr. Bahal Singh was served with a notice under Section 3 of the Punjab Criminal Law Amendment Act, 1932, not to leave Delhi, without the permission of the Deputy Superintendent of Police ? If so, when was this notice served on him ?

(b) How many times during the period that he has been confined to Delhi, was Mr. Bahal Singh permitted to go out of Delhi ?

(c) Is it a fact that on the 10th, and the 18th June last, he applied for permission to go to Indore and Bombay for a few days only, to fulfil a social engagement, and for business purposes, respectively, but permission was not granted to him ? If not, why not ?

The Honourable Sir Henry Craik : (a) Yes. A notice was first served on the 31st January, 1933. Another notice was served on the 3rd August, 1933, which was revised on the 21st February, 1934, and, again on the 22nd June, 1934.

(b) Twice.

(c) Yes. Government are not prepared to disclose the reasons for the refusal of permission to leave Delhi.

**DEDUCTION OF ONE HOUR'S RECESS ON FRIDAYS FROM THE OVERTIME OF MUSLIM EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.**

668. \*Mr. M. Maswood Ahmad : Is it a fact that if Muslim employees in the Government of India Press work overtime on Fridays, one hour's recess, which all Government employees get, for Jumma prayers, is deducted from their overtime ? If so, do Government propose to stop such practice in future ?

The Honourable Sir Frank Noyce : The reply to the first part is in the affirmative. As regards the second part, there can obviously be no justification for paying for overtime unless the hours actually worked are in excess of those prescribed as the normal working hours.

**RECESS ON FRIDAYS TO MUSLIM EMPLOYEES IN THE EAST INDIAN RAILWAY WORKSHOP AT LUCKNOW.**

669. \*Mr. M. Maswood Ahmad : (a) It is a fact that for the last twenty years one hour's recess was given to all Muslim employees in the East Indian Railway Workshop at Lucknow on Fridays ?

(b) Is it a fact that since last year pay of the journeymen and chargemen is deducted from their pay for the time which is taken by them for Friday prayers ?

(c) Do Government propose to permit the journeymen clerk and chargemen to perform their prayers without any deductions being made from their pay ?

Mr. F. E. Ma : I have called for the information and will lay a reply on the table of the House in due course.



**DETENTION TILL LATE HOURS OF CLERKS OF THE CHIEF MEDICAL OFFICER'S OFFICE, NORTH WESTERN RAILWAY.**

670. \***Mr. M. Maswood Ahmad** : (a) Is it a fact that the clerks of the Chief Medical Officer's office, North Western Railway, were forced by the Superintendent of that office to sit daily up to 7 P.M. or so, and that this can be verified from the attendance registers of 1932 and 1933 ?

(b) Is it a fact that this is quite against Government orders and that clerks of headquarters office used to go at 4 P.M. or at 5 P.M. at the latest ?

(c) If the replies to the preceding parts be in the affirmative, will Government please state whether any compensatory allowance was given to the clerks of the Chief Medical Officer's office, North Western Railway, for over-time ? If not, will Government please state what action they intend to take against the Superintendent for detaining the clerks till late hours against Government orders ?

**Mr. P. R. Rau** : Government have no information. This is a matter of ordinary office discipline which is within the competence of the Agent, North Western Railway, to decide, and Government do not propose to interfere.

**THIRD DIVISION CLERKS IN CERTAIN BRANCHES OF THE ARMY HEADQUARTERS.**

671. \***Mr. N. R. Gunjal** : (a) Will Government kindly state whether there were any special orders of the Staff Selection Board in 1922 that clerks, who qualified as typists, should be treated as third division clerks and stopped at the efficiency bar of the second division, i.e., at Rs. 146, and subsequently reverted to the third division, unless they passed the test for the upper division ?

(b) If the answer to part (a) be in the affirmative why are clerks in the A. G.'s, Q. M. G.'s and M. G. O. Branches of the Army Headquarters allowed to continue in the second division contrary to Government instructions ?

(c) Is it a fact that clerks have been confirmed in the second division due to the non-existence of the third division in these various Branches, and placed over those who are equally qualified and are senior in service, besides having passed the Public Service Commission examination ? Is it a fact that some clerks with third division qualifications were placed in the second division in the M. G. O.'s Branch and are therefore getting Rs. 8 per annum promotion, whereas those who are senior shall have to complete their grade in 20 years as they get only Rs. 4 per annum ?

**Lieut.-Colonel A. F. R. Lumby** : (a) No, Sir.

(b) Does not arise.

(c) Certain second division clerks, who had only third division qualifications, were confirmed in the second division while serving in the Quartermaster General's Branch in the absence of a third division in that Branch, and were later transferred to the Master-General of the Ordnance Branch in which a third division had existed for some years. This accounts for the qualified second division clerks, who accepted third division appointments in the Master-General of the Ordnance's Branch, being junior to the unqualified second division clerks transferred from the Quartermaster General's Branch.

**CONFIRMATION OF CLERKS IN CERTAIN BRANCHES OF THE ARMY HEADQUARTERS.**

672. **\*Mr. N. R. Gunjal :** (a) Will Government kindly state if the concurrence and approval of the Public Service Commission has been taken in the cases where third division clerks were confirmed in the second and the first divisions in the A. G.'s, Q. M. G.'s and M. G. O.'s Branches ? If not, why not ?

(b) Will Government kindly state if the clerks of the M. G. O. and other Branches can apply to the Public Service Commission for promotions likewise in the first or the second division ? If not, why not ?

(c) If the answer to part (b) be in the negative, do Government propose to promote those third division qualified clerks of the M. G. O. Branch to the second, without their having to undergo further Public Service Commission tests ? If not, what is the reason ?

**Lieut.-Colonel A. F. R. Lumby :** (a) No third division clerk has been promoted to the first division. As regards promotion to the second division, the reply is in the affirmative so far as the Quartermaster General's Branch is concerned. There has been no case of the kind in the Adjutant General's Branch. As regards the Master General of the Ordnance's Branch, three third division clerks have been promoted to the second division in the quota of vacancies reserved for departmental promotion.

(b) and (c). Clerks are not required to apply to the Public Service Commission for promotion. The Heads of offices are competent to promote third division clerks, whether qualified or unqualified, to the second division in the vacancies set apart for departmental promotions, provided, of course, that they are efficient.

**REVERSION OF CERTAIN SECOND DIVISION CLERKS IN CERTAIN BRANCHES OF THE ARMY HEADQUARTERS.**

673. **\*Mr. N. R. Gunjal :** (a) Is it a fact that clerks who were duly qualified for the second division in the Q. M. G. and D. M. S. Offices have been declared supernumerary and been reverted to the third division, whereas clerks who qualified as typists and the third division have been allowed to continue in the second division and even promoted to the first in the M. G. O. and A. D. O. S. (P.) Offices ? If so, do Government propose to give these vacancies to the supernumerary men ? If not, why not ?

(b) In order to avoid such irregularities and injustice, do Government propose to refer all such cases of the Army Headquarters for scrutiny by the Public Service Commission ? If not, why not ?

**Lieut.-Colonel A. F. R. Lumby :** (a) As a measure of retrenchment certain supernumerary second division clerks were, in 1933, given the option of retiring under the retrenchment terms or of accepting appointments in the third division. They accepted the latter alternative.

As regards the concluding portion of the question, the attention of the Honourable Member is drawn to the reply to part (a) of Mr. Bhuput Sing's unstarred question No. 366, dated the 16th April, 1934, which was laid on the table on the 19th July, 1934.

None of these men are now supernumerary.

(b) No, Sir. Government do not admit that any irregularity or injustice has occurred.

**LIGHTING AND SANITARY ARRANGEMENTS IN THE SHARDHANAND BASTI, DELHI.**

674. \*Rao Bahadur M. C. Rajah : (a) Will Government kindly refer to the reply of the Secretary, Department of Education, Health and Lands to question No. 1690, dated the 14th December, 1933 stating that the Municipal Committee, Delhi, will provide all necessary lighting and sanitary arrangements in the Shardhanand Basti, Delhi, as funds become available ?

(b) Is it a fact that a sum of R. 1,00,000 has been provided in the budget of the Municipal Committee, Delhi, for providing sanitary, lighting and water-supply arrangements in the backward areas including Shardhanand Basti, during the current financial year ?

(c) Is it a fact that in spite of the statement of the Secretary, Department of Education, Health and Lands, *vide* part (a) above, the Municipal Committee, Delhi is not doing anything towards providing the facilities referred to above in the Shardhanand Basti because, according to the Municipal Committee, Delhi, the area lies within the jurisdiction of the Local Government, and not that of the Municipal Committee, Delhi ?

(d) Is it not clear from the following extract from the Government's reply to question No. 1690, dated the 14th December, 1932, that the area occupied by the Shardhanand Basti lies within the jurisdiction of the Municipal Committee, Delhi :

" It is regretted that owing to financial stringency this area has not been provided with the necessary lighting and sanitary arrangements, but the Delhi Municipality, within whose jurisdiction it lies, has had the matter under consideration for some time past and will, it is hoped, remove these difficulties as funds become available " ?

If so, why does not the Municipal Committee take any action for removing the long standing grievances of the residents of the Shardhanand Basti, when they have got plenty of funds to do so ?

(e) Are Government prepared to see that facilities regarding water supply, lighting, and drainage are provided in the Shardhanand Basti without delay, now that funds are available in the Municipal Budget ?

Mr. G. S. Bajpai : (a) and (b). Yes.

(c) No. The Municipality has earmarked Rs. 6,274 for the drainage of this Basti.

(d) The Basti in question lies within the jurisdiction of the Delhi Municipal Committee. The funds at the disposal of the Committee, are however, not sufficient to enable it to carry out at present all the improvements required in this and other localities.

(e) The matter is primarily one of Municipal administration, but Government will look into it.

**LIGHTING AND SANITARY ARRANGEMENTS IN THE SHARDHANAND BASTI, DELHI.**

675. \*Rao Bahadur M. C. Rajah : (a) Has the attention of Government been drawn to a letter appearing in the *National Call*, of the 2nd August, 1934, complaining, among other things, that the Municipal Com-

mittee, Delhi, takes no action to prevent the open area of the Shardhanand Basti, in front of the Paharganj Municipal dispensary, from being fouled by people of the adjoining localities, although the matter has been brought to the notice of the Municipal Committee, Delhi, several times ?

(b) Do Government propose to see that necessary action is taken by the Municipal Committee, Delhi, immediately to prevent this unhealthy practice ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) The Municipal Committee, Delhi, has already instituted negotiations to acquire a site for the construction of a public latrine in that locality.

#### REMOVAL OF SLUMS IN HARPHUL BASTI, DELHI.

676. \* **Rao Bahadur M. C. Rajah :** (a) Is it a fact that the Deputy Commissioner, Delhi, assured a deputation that waited on him on the 16th January, 1934, regarding Harphul Basti slums that he would try his best to acquire the land of that Basti within three months ? If so, has the Basti been acquired so far or not ? If not, when will it be acquired ?

(b) Did the Deputy Commissioner issue a statement intimating the position of the proceeding at the end of three months, i.e., on the 16th April, 1934 ?

(c) Do Government propose to see that a statement explaining the present position of the proceedings is issued, and that land is acquired without delay in order that the people may be able to leave the slums which are not fit for human habitation ?

**Mr. G. S. Bajpai :** (a) No. The Deputy Commissioner did not mention any time limit within which the land acquisition proceedings regarding Harphul Basti would be completed. The statement to this effect which appeared in the Press was erroneous. The Basti has not yet been acquired.

(b) No.

(c) The announcement of the award has been delayed by the unfortunate illness of the Nazul Officer whose successor has had to check and revise a great volume of evidence. The local authorities hope to complete the proceedings very shortly.

#### VACANCIES IN THE TRAINING RESERVE OF THE WOMEN'S MEDICAL SERVICE FOR INDIA.

677. \* **Mr. S. G. Jog :** Is it a fact that the Central Dufferin Fund Officer has not invited applications for vacancies in the Training Reserve of the Women's Medical Service for India in the years 1933 and 1934 ? If applications have been invited, what are the names of the newspapers and their dates, in which these vacancies were advertised ?

(b) How many applications, in response to the advertisements, were received during the years 1933 and 1934, and how many lady doctor graduates (with their names and qualifications, academic or otherwise) have been admitted to the Training Reserve by the Executive Committee ?

**Mr. G. S. Bajpai :** The answer to the first part of (a) of the question is in the negative. A statement containing the information asked for in the rest of the question is laid on the table.

*Statement.*

(a) Applications for vacancies in the Training Reserve of the Women's Medical Service for India were invited both in 1933 and 1934. Vacancies were advertised in 1933 in the "Statesman" of the 3rd, 5th and 7th September, the "Madras Mail" of the 5th, 7th and 9th September, and the "Times of India" of the 4th, 6th and 8th September. In 1934, the advertisements were published in the "Statesman" of the 10th June, the "Madras Mail" of the 4th June, and the "Times of India" of the 8th June.

(b) Eighteen applications were received in 1933 and the same number in 1934. The undermentioned graduates were admitted into the Training Reserve :—

*in 1933.*

Dr. Edith Smith, M.B.B.S., (Punjab).

Dr. Pandit, M.B.B.S., (Bombay).

Dr. Hope Lazarus, M.B.B.S., (Madras), L.R.C.P. & S.(Edin.) L.M.(Rot.), was a temporary member.

*in 1934.*

Dr. Chacko, M.M.B.S., (Madras).

Dr. Mahadevan, M.B.B.S., (Madras).

Appointments to later vacancies have not yet been made.

#### REGULATION RELATING TO THE TRAINING RESERVE OF THE INDIAN WOMEN'S MEDICAL SERVICE.

678. \***Mr. S. G. Jog** : (a) Is it a fact that the regulation relating to the Training Reserve of the Indian Women's Medical Service provides that Indian Woman Graduates in Medicine of the Indian Universities should be *unmarried persons or widows* ?

(b) Is that rule applicable to lady doctors of the non-Asiatic domicile also ?

(c) How many medical women were admitted to the training reserve and how many were deputed to the United Kingdom for acquiring British Medical qualifications ?

**Mr. G. S. Bajpai** : The information has been called for and will be laid on the table in due course.

#### RESIDENT MEDICAL OFFICERS OF THE WOMEN'S HOSPITALS IN INDIA.

679. \***Mr. S. G. Jog** : Is it a fact that the posts of Resident Medical officers of the Women's Hospitals in India are not open to the Indian lady doctors graduates from the Indian Universities ? If so, why ?

**Mr. G. S. Bajpai** : The answer to the first part is in the negative. At least three such posts are held by Indian women graduates of Indian Universities today. The question in the second part does not arise.

#### LADY DOCTORS DEPUTED TO THE UNITED KINGDOM FOR TRAINING.

680. \* **Mr. S. G. Jog** : Will Government please lay on the table a complete list of the lady doctors who have been deputed to the United Kingdom for training from year to year and what amounts have been contributed to their training in the United Kingdom ?

**Mr. G. S. Bajpai** : A statement containing the information asked for by the Honourable Member for the years 1928 to 1934 is laid on the table.

*List of lady doctors who have been deputed to the United Kingdom for training during the period 1928—1934.*

Year in which deputed to the United Kingdom for post-graduate study.	Name.	Diploma or Course of study for which deputed.	Amount contributed for training.
1928 ... ..	Dr. D. P. Bali ..	M. R. C. S., L. R. C. P., (Lond).	Rs. 3,778
1928 ... ..	Dr. C. Wiseman ..	Do. ..	3,700
1929 .. ..	Dr. Lakshmi Devi	Do. ..	4,406
1930 .. ..	Dr. Brooks ..	Do. ..	4,172
1930 .. ..	Dr. S. Matthew ..	Do. ..	4,064
1930 .. ..	Dr. Rekhi ..	Diploma in Radiology	Nil. (Dr. Rekhi was trained at the expense of the Rockefeller Foundation.)
1931 .. ..	Dr. U. D'Monte ..	M.R. C. S., L. R. C. P.	4,038
1931 .. ..	Dr. Shrikhande ..	Diploma in Bacteriology.	4,016
1931 .. ..	Dr. Jiwan Lata ..	Special duty in maternity and child welfare.	4,024
1932 .. ..	Dr. Patil ..	Diploma in Bacteriology.	4,020
1932 .. ..	Dr. Senjit ..	Diploma in Ophthalmology and M.R.C.S., L. R. C. P.	4,016
1933 .. ..	Dr. Reuben ..	F. R. C. S. (Ed.) ..	3,400
1933 .. ..	Dr. Alankaram ..	M. R. C. S., L. R. C. P.	3,550
1934 .. ..	Dr. D. P. Bali ..	Diploma in Radiology	10,800

**LADY DOCTORS RECRUITED IN INDIA AND FROM ENGLAND DIRECT.**

681. \* **Mr. S. G. Jog :** (a) How many lady doctors of the non-Asiatic domicile have been recruited in India and from England direct during the last five years for Women's Medical Service for India in the senior grade, and how many have since resigned on account of marriage or otherwise ?

(b) Is it a fact that an Indian Medical Woman deputed to the United Kingdom for being trained for British Medical

qualifications, with scholarship, has got herself married there and her period of study was extended, over an ordinary one, by the C. M. O., Women's Medical Service ?

(c) Will Government please state the reasons for their leaving out of the Women's Medical Service the lady doctors who have acquired British Medical qualifications at the State expense, such as, Dr. Lakshmi Devi, Dr. Bali, and others ?

(d) Was Dr. Sanjit married in England, while prosecuting her studies there ?

**Mr. G. S. Bajpai :** (a) A statement containing the information asked for by the Honourable Member is laid on the table.

(b) Yes. She was allowed to extend her period of study beyond the allotted year *at her own expense*.

(c) The Woman's Medical Service is controlled by the Countess of Dufferin's Fund, an aided association, and not by Government. Lady Doctors acquiring British medical qualifications at public expense have not been excluded from this service. On the contrary, every member of the Training Reserve, on obtaining a British medical qualification, has been admitted to that Service with the exception of one for whom a post was not available at the time, but who obtained a post under a Provincial Government. Dr. Bali is still in the Service. Dr. Lakshmi Devi resigned the service at her own desire on her marriage.

(d) Yes.

*List of lady doctors of non-Asiatic domicile who have been recruited to the Women's Medical Service in India and from England direct since 1928 (excluding those who are no longer in the Service).*

Dr. Torrance, M.D., Ch. H. (Glas)	.. ..	Recruited in India.
Dr. Proctor-Sims, L.R.C.P., M.R.C.S. (Lond.)	..	Do.
Dr. Callender, M.A., (Cantab.) M.B.B.S. (Lond.), L.R.C.P., M.R.C.S.,		Recruited from England for general work.
Dr. Orkney M.B., Ch.B. (St. Andrews) D. P. H. (Manchester) Specialist.		Recruited from England.
Dr. J. Thomson, L.R.C.P., M.R.C.S., M.B.B.S. (Lond.) M.D. (Lond.)		Recruited in India.
Dr. H. Herbert, M.B.B.S., M.R.C.S., L.R.C.P., (Lond.)		Do.
Dr. M. Neal, M.R.C.S. (Lond.), L.R.C.P. (Lond.) M.B.B.S. (Lond.) M.D. (Lond.)		Recruited from England.
Dr. P. Epps, M.D. (Lond.), M.R.C.P. (Lond.)	..	Recruited from England for special post at Lady Hardinge Medical College, Delhi.
Dr. M. Melan, B.A., M.B. Ch.B., M.A.C. (Ireland), D. T. M. H. (Lond.) D. P. K. (Lond.), F. R. C. S. I.		Recruited in India.

Six officers of non-Asiatic domicile have resigned during the last five years—three on account of marriage, two for health reasons, and one on account of urgent private affairs.

**INDIAN DOCTOR APPOINTED ON THE EXECUTIVE COMMITTEE OR SELECTION BOARD OF THE CENTRAL DUFFERIN FUND.**

682. \***Mr. S. G. Jog** : Has any doctor of Indian race been appointed on the Executive Committee or Selection Board of the Central Dufferin Fund ? If not, why not ?

**Mr. G. S. Bajpai** : The information has been called for and will be laid on the table in due course.

**Mr. S. G. Jog** : Sir, a supplementary question arises out of all these questions, though the Honourable Member has laid a consolidated statement in reply to all these questions. However, my supplementary question is this : Is it not a fact that this Dufferin Fund has been raised chiefly from contributions paid by the Princes and the peoples of India ?

**Mr. G. S. Bajpai** : That particular fact is correct, Sir.

**Mr. S. G. Jog** : Sir, is it not the main object of this Fund to give encouragement to Indian ladies to go in for medical studies ?

**Mr. G. S. Bajpai** : I do not think the main object of the Fund was to favour any particular race for carrying out a particular work. The main object of the Fund was to provide medical aid for Indian women by women ; and if my Honourable friend will look at the present composition of the service, he will find that, since Indian women possessing the proper medical qualifications have begun to come forward, this service has been substantially Indianised.

**Mr. S. G. Jog** : May I know whether the Honourable Member is in a position to say what is the relative position of Indian ladies and ladies of non-Asiatic domicile ?

**Mr. G. S. Bajpai** : Certainly—Twenty-four, I think, of Indian domicile and nineteen of non-Asiatic domicile.

**Mr. Vidya Sagar Pandya** : What are the corresponding salaries of the two classes ?

**Mr. G. S. Bajpai** : The salaries are one and the same, subject, of course, to such variations as the time factor may necessitate.

**Dr. Ziauddin Ahmad** : Is it not a fact that the patient always goes to the best doctor irrespective of his caste and creed ?

**Mr. G. S. Bajpai** : I hope so, Sir, for his sake. (Laughter.)

**NON-RECOVERY OF RAILWAY MONEY FROM MESSRS. TEPLITZ AERATED WATERS COMPANY, CONTRACTORS, ON THE NORTH WESTERN RAILWAY.**

683. \***Dr. Ziauddin Ahmad** : (a) Is it a fact that Messrs. Teplitz Aerated Waters Company secured the contract for the supply of ice and aerated waters in the Northern Section of the North Western Railway from Lahore to Peshawar ?

(b) Is it a fact that the said company also had ice contract of the Military Hospital at Murree Indus ?

(c) Is it a fact that the company carried ice to Murree Indus on Railway passes ?

(d) Is it a fact that the Divisional Superintendent, Rawalpindi, made out a case claiming Rs. 2,700 from the said company ?



(e) Is it a fact that the file was lost at the Agent's office and no money was recovered ?

(f) Is it a fact that Mr. Hail, the then Deputy Chief Commercial Manager carried on the preliminary investigation ?

(g) Do Government propose to make enquiries and call for necessary papers ?

**Mr. P. B. Rau :** (a) and (b). Yes.

(c) Yes, as Mari Indus was within the area for which the Company were given the contract.

(d) The Divisional Superintendent, Rawalpindi, has reported to the Agent, North Western Railway, that there are no records in his office regarding this claim.

(e) to (g). The Agent, North Western Railway, reports that the complete papers on the subject in his office are not now traceable. It appears, however, that a complaint against the firm was received in 1931 apparently from a discharged employee and that the matter was examined by the Chief Commercial Manager who accepted the explanation then given by the firm.

#### MINTO PROFESSORSHIP IN THE CALCUTTA UNIVERSITY.

684. \***Dr. Ziauddin Ahmad :** (a) Is it a fact that the Government of India have endowed a Minto Professorship in the Calcutta University ?

(b) What is the salary of the Professor ?

(c) Is it a fact that Government levied ten per cent. cut in the salary of the Professors simultaneously with the ten per cent. cut in the salaries of the Government officials ?

(d) Is it a fact that Government restored the cut by five per cent. ?

(e) Was the salary of the Minto Professor also restored by five per cent. ? If not, why not ?

**Mr. G. S. Bajpai :** (a) to (c). An annual grant of Rs. 13,000 made from Central Revenues to Calcutta University included a sum of Rs. 12,000 for the pay of Minto Professor of Economics. The whole grant has been subject to the emergency cut of ten per cent. since 1932-33.

(d) and (e). The emergency cut has been restored by five per cent. in so far as the salaries of Government servants is concerned. The normal cut in the case of grants made from Central Revenues to educational institutions is ten per cent., and that in the present financial conditions it has not been possible to restore it. I would add that even the reduced grant is adequate to cover restoration of five per cent. in the cut of ten per cent. in the Professor's salary.

**Dr. Ziauddin Ahmad :** May I ask, Sir, why in this particular case the grant was not made to an educational institution, but was made to a special post ?

**Mr. G. S. Bajpai :** I have already said that even the amount of the present grant is adequate for the purpose of reducing the cut in the Professor's salary from ten per cent. to five per cent. What happens is this that the University utilises the balance for publications.

**Dr. Ziauddin Ahmad :** If the grant is restored next year, will the grant to the Professor be also restored ?

**Mr. G. S. Bajpai :** I am not in a position to forecast what will happen to this particular grant next year.

# CHARGEMEN IN THE ORDNANCE FACTORIES OF INDIA.

685. **\*Mr. K. P. Thampan :** Will Government be pleased to state :

(a) the total strength of men below the rank of chargemen in all the ordnance factories of India ; and

(b) whether they are prepared to allow a yearly deputation of ordnance factory workers to meet the Army Secretary with a view to discuss their conditions of service, just as is allowed to the All-India Railwaymen's Federation ?

**Lieut.-Colonel A. F. R. Lumby :** (a) Apart from the clerical and menial establishment, the strength on the 1st April, 1933, was about 12,000.

(b) No, in view of the fact that there is no All-India Labour Organisation for Ordnance Factories corresponding to the All-India Railwaymen's Federation.

# GRANT OF PRIVILEGE LEAVE TO THE STAFF IN THE ORDNANCE FACTORIES IN INDIA.

686. **\*Mr. K. P. Thampan :** Will Government be pleased to state :

(a) whether they are aware that the monthly paid men of the ordnance factories in India do not get their privilege leave of one month with full pay unless they find a substitute ; and

(b) whether they propose to cancel that condition and grant privilege leave as is done in all industrial concerns ?

**Lieut.-Colonel A. F. R. Lumby :** (a) This is the rule in the case of monthly paid men on the temporary establishment, but in practice a substitute is not always required.

(b) No. The condition is laid down in Article 242 (a), Civil Service Regulations, and is of general application.

# CONFIRMATION OF STAFF IN THE ORDNANCE FACTORIES IN INDIA.

687. **\*Mr. K. P. Thampan :** Will Government be pleased to state :

(a) whether they are aware that in the ordnance factories of India people, who have put in 25 years of service, are still considered temporary ; and

(b) whether they propose to confirm all the men who have put in three years' service or more ; if not, why not ?

**Lieut.-Colonel A. F. R. Lumby :** (a) Yes.

(b) No. The system of keeping labour on temporary establishment is not peculiar to Ordnance Factories. It also obtains on the Railways and in other Government establishments.

### CONTRIBUTION TO THE PROVIDENT FUND IN THE ORDNANCE FACTORIES IN INDIA.

688. \*Mr. K. P. Thampan : (a) Will Government be pleased to state what is the extent of their contribution to the Provident Fund in the ordnance factories of India ? Is it less than that of State Railways ? If so, what is the difference ?

(b) Are Government aware that this lower contribution has been a source of great dissatisfaction in the minds of the employees and has formed the subject of resolutions at successive Conferences of the Cordite Factory Labour Union at Aruvankadu ?

(c) Do Government propose to direct that their contribution to the Provident Fund in the ordnance factories should be similar to that of State Railways ?

Lieut.-Colonel A. F. R. Lumby : (a) 50 per cent. of the subscriber's contribution in the case of the Workmen's Provident Fund. The Government contribution in the case of the State Railway Provident Fund is 100 per cent.

(b) Government have seen the Labour Union's resolutions on the subject passed at their annual conferences between 1931 to 1934.

(c) No.

### INTRODUCTION OF A SCHEME OF GRATUITY IN THE ORDNANCE FACTORIES IN INDIA.

689. \*Mr. K. P. Thampan : Will Government be pleased to state :

(a) whether it is a fact that no scheme of gratuity has yet been introduced in the ordnance factories of India ; and

(b) whether they propose to take any action in the matter ?

Lieut.-Colonel A. F. R. Lumby : (a) and (b). A scheme of gratuities paid from the Fine Fund has been in existence for years. There is, however, no regular scheme whereby gratuities are paid from general revenues. The question of paying gratuities from general revenues is under consideration.

### PRIVILEGES IN THE MATTER OF PAY, ALLOWANCES, ETC., TO TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

690. \*Pandit Satyendra Nath Sen : (a) Are Government aware that one Mr. Bishan Singh, S. T. E., North Western Railway, at present working in the Delhi Division, was working as a Travelling Ticket Examiner on the Kalka-Simla Railway on mileage allowance system ?

(b) Are Government aware that this Travelling Ticket Examiner (Mr. Bishan Singh), when appointed to work as a S. T. E. in the Delhi Division, was given his pay plus average mileage allowance, i.e., 75 per cent. of his pay besides the daily allowance admissible under the rules and was thus in receipt of Rs. 80 as pay *plus* Rs. 60 as an average allowance, aggregating Rs. 140 *plus* daily allowance earned by him ?

(c) Are Government also aware that this Mr. Bishan Singh, on his reversion as a Travelling Ticket Examiner from S. T. E.'s job,

was given his substantive pay of Travelling Ticket Examiner, i.e., Rs. 90 or so, after the usual adjustment of his annual increments ?

(d) Are Government further aware that on the abolition of the Travelling Ticket Examiner's cadre this Mr. Bishan Singh instead of getting his substantive pay of a Travelling Ticket Examiner, which was Rs. 100 or so, has been allowed to enjoy the benefit of his pay of S. T. E. which was fixed at Rs. 140 *plus* the consolidated allowance ?

(e) What is the scale of pay in which the said Mr. Bishan Singh is now fixed up by the North-Western Railway administration and on what basis was this particular and separate scale for only one S. T. E. created by the Agent ?

(f) Will Government be pleased to state why the other old Travelling Ticket Examiners are denied the same privileges, as regards pay and allowances, as are enjoyed by Mr. Bishan Singh ?

(g) Do Government propose to extend the same rates of pay and allowances to other S. T. Es. who have been appointed on the abolition of the old cadre of the Travelling Ticket Examiner ? If not, why not ?

**Mr. P. B. Rau :** I am calling for information and will lay a reply on the table of the House in due course.

#### EMPLOYMENT OF INDIANS IN THE CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

691. \***Mr. Gaya Prasad Singh :** Will Government kindly state how many Indians are employed in the Cypher Bureau of the Foreign and Political Department ?

**Mr. H. A. F. Metcalfe :** There are no Indians employed in the Central Cypher Bureau in the Foreign and Political Department at present.

**Mr. Gaya Prasad Singh :** Is it not a fact that in the Standing Finance Committee and also on the floor of the House assurances were repeatedly given by the Government during the last few years that earnest efforts would be made to appoint Indians in this Cypher Bureau ?

**Mr. H. A. F. Metcalfe :** That, Sir, is quite true, and efforts are being made which, I hope, will shortly be successful.

**Mr. Gaya Prasad Singh :** May I ask, Sir, whether this very assurance which the Honourable Member has just given was given probably by himself or by his predecessor many years ago—as many as five years ago—almost in the same terms ?

**Mr. H. A. F. Metcalfe :** I am not in a position to say what happened five or six years ago, but I know that this undertaking was given as recently as last September, and I am glad to say that substantial steps have now been taken towards achieving the end which we all desire.

**Mr. Vidya Sagar Pandya :** May I know how many Anglo-Indians are employed in the Cypher Bureau ?

**Mr. Gaya Prasad Singh :** All are Anglo-Indians and Europeans in the Cypher Bureau.

**Mr. Vidya Sagar Pandya :** I wish to know from the Government Member how many Anglo-Indians are employed in the Cypher Bureau ?

**Mr. H. A. F. Metcalfe :** I could not give the Honourable Member the exact figure, but there are certainly some Anglo-Indians.

# INVESTIGATION OF THE CASE OF THE BRITISH INDIAN PORTS IN THE GULF OF CAMBAY.

692. \*Nawab Naharsingji Jahwarsingji : (a) Will Government be pleased to state whether they want to check the loss of customs revenue caused by the development of the ports of the Kathiawar Maritime States ?

(b) Did Government study the question of the working of the British Indian ports in the Gulf of Cambay before ? If so, what are the *pros* and *cons* about these British Indian ports ?

(c) What are the reasons for permitting the transshipment of goods from foreign ports of Porebunder and Jafrabad to these British Indian ports without charging the duty, that is, why no duty is charged at our ports on goods arriving from these foreign ports ?

(d) Is it a fact that the fixed amount of two lacs of duty to be allowed to the foreign ports of Kathiawar is fixed for land transport only ? If so, why are Porebunder and Jafrabad allowed sea-import of goods at our ports, and is it a fact that even the *two lacs limit* is not adhered to inasmuch as they are allowed to an extent of a big sum of several lacs on this free duty sea-importation of goods to our ports ? Will Government please state the reasons for giving such special concessions to these States, incurring thereby a big loss to Government customs revenue and as a consequence taxing indirectly the British Indian taxpayer ?

(e) Will Government be pleased to state whether they intend to appoint a committee to investigate thoroughly the case of the British Indian ports in the Gulf of Cambay and collect such evidence as may be forthcoming ?

**The Honourable Sir James Grigg :** (a) to (e). The whole question of the loss of Customs revenue caused by the development of the Ports of the Kathiawar Maritime States is engaging the attention of Government, but it would not be in the public interest to make any statement on the matter at the present time.

# STAFF DISCHARGED IN THE DINAPORE AND THE MORADABAD DIVISIONS OF THE EAST INDIAN RAILWAY.

693. \*Pandit Satyendra Nath Sen : (a) Are Government aware that a number of discharges were made in the Dinapore and the Moradabad Divisions of the East Indian Railway during the last two years ? If so, are Government prepared to appoint a committee of enquiry to go into the cases ?

(b) Are Government aware that in 1932 a discharged official (Travelling Ticket Examiner) was re-instated as the result of an enquiry made by Mr. K. M. Hassan, Deputy Director of Establishment, and another was re-appointed after an enquiry by the Labour Commission ?

**Mr. P. R. Rau :** (a) Unfortunately discharges have occasionally to be made in every Department and Division of a Railway in the interests of efficiency. Government do not consider that there are any special circumstances in these two Divisions to make a special enquiry necessary.

(b) Government have not been able to trace either of the cases referred to. If the Honourable Member is referring to the recommendations of Court of Enquiry constituted in 1932 under the Trade Disputes Act, he will find the information in the report of the Court and the Government communiqué thereon, copies of which are in the Library of the House.

**Dr. Ziauddin Ahmad :** In view of the fact that so many questions have been asked about the maltreatment of subordinates in the Moradabad Division, is it not the duty of the Government to look into the matter ?

**Mr. P. R. Rau :** No, Sir. The fact that many questions are asked does not necessarily mean that there has been maladministration.

**Mr. Gaya Prasad Singh :** That is the value of our questions !

**Sir Cowasji Jehangir :** Does that mean that because complaints are made from this side of the House, the Honourable Member is not going to take any steps in this particular case ?

**Mr. P. R. Rau :** Not at all. Government did take steps. My Honourable friend was not in the House when I gave replies to this very question some days ago. Government did make enquiries and found that no intervention on their part was necessary.

**Dr. Ziauddin Ahmad :** In view of the fact that no complaint has been made about the other five Divisions of the East Indian Railway and that all the complaints are concentrated mostly to one particular Division, is it not really the duty of the Government to see how far those complaints are correct and to find out whether there is really something wrong in the administration of that particular Division ?

**Mr. P. R. Rau :** As I have already explained, Government did make enquiries in certain cases and got reports from the Administration, and, after examining them, they found that their intervention was not called for.

**Sir Abdur Rahim :** Did they find, as a matter of fact, that these complaints were groundless ?

**Mr. P. R. Rau :** Yes, Sir.

**Dr. Ziauddin Ahmad :** Did the Railway Board examine each complaint themselves or entrusted this work to an officer of the Board ?

**Mr. P. R. Rau :** I cannot say that each of these complaints was examined, but a large number of them were reported on by the Agent of the East Indian Railway and were examined by the Board.

#### NON-PAYMENT OF GRATUITY TO TWO PERSONS OF THE DINAPORE DIVISION.

694. **\*Pandit Satvendra Nath Sen :** (a) Is it a fact that Mr. S. C. Bose, Head Ticket Collector, Dinapore Division, who resigned his post some time in 1933 and Mr. K. Lall, Guard, Dinapore Division, discharged in March, 1933, have not been given their gratuity in spite of repeated demands ? Is it also a fact that they have served for more than 16 years ?

(b) If the answer to part (a) be in the affirmative, will Government state if they are prepared to pay the two gentlemen their gratuity, and, if so, when ?

**Mr. P. B. Rau :** I have called for certain information and will lay a reply on the table of the House in due course.

**Pandit Satyendra Nath Sen :** May I know, Sir, under what conditions gratuities are granted ?

**Mr. P. B. Rau :** I would refer my Honourable friend to the Gratuity Rules.

#### ALLEGED RACIAL ARROGANCE IN SOUTH AFRICA.

695. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether their attention has been drawn to the article published in the *Forward* of the 9th June, under the heading "Racial Arrogance in South Africa—Sickening White Propaganda", taken from the *Sun* of Bombay, and the comments of the said daily thereupon ?

(b) If the answer to part (a) be in the affirmative, will Government kindly state whether their Agent in South Africa has taken any steps to stop such pernicious propaganda in the country ? If so, what ?

(c) Are Government aware of the repercussions which such outburst may give rise to in India ?

**Mr. G. S. Bajpai :** (a) and (c). Yes.

(b) No special importance attaches to the speech. As the Honourable Member is no doubt aware since the appointment of the first Agent in South Africa, the general attitude of Europeans towards Indians in social matters has greatly improved, thanks to the efforts of the Right Honourable V. S. Srinivasa Sastri and his successors, and there is no reason to apprehend that the process of improvement will not continue.

#### REDUCTION OF THIRD CLASS FARE ON THE EAST INDIAN RAILWAY.

696. **\*Mr. Bhuput Sing :** (a) Will Government be pleased to state whether they propose to reduce the third class fare on the East Indian Railway, in view of the fact that there has been no appreciable fall or rise in earnings on account of such an experiment carried out on the North Western Railway ?

(b) Are Government aware that the third class fares on the East Indian Railway are comparatively higher than those on the Bengal Nagpur Railway and other company-managed railways ?

**Mr. P. B. Rau :** (a) As I explained to the House on the 13th August, 1934, in reply to Mr. Ghuznavi's question No. 524, Government prefer to await the results of the experiment on the North Western Railway before considering a general reduction of third class fares on other railways. The experiment on the North Western Railway has not been in force for a period sufficient to draw any conclusions therefrom.

(b) No, on the contrary, the third class fares on the East Indian Railway are lower than those on all other principal Company-managed Railways, except the Bengal and North Western Railway.

**Dr. Ziauddin Ahmad :** May I ask, Sir, how long the Government will take with this experiment ?

**Mr. P. B. Rau :** It is intended to have the experiment in force for a year.

**RUNNING OF THROUGH TRAINS FROM HOWRAH TO KALKA BY LOOP LINE.**

697. \*Mr. Bhuput Sing : (a) Will Government be pleased to state whether there was any proposal to run through trains from Howrah to Kalka by loop and B. A. K. lines ? If not, what were the difficulties in the way of such a proposal ?

(b) Are Government prepared to place the connected papers regarding this proposal on the table of this House ?

Mr. P. E. Rau : (a) I would refer the Honourable Member to the information I laid on the table of the House on the 23rd November, 1933, in reply to his question No. 147 asked on the 20th September, 1933.

(b) I do not know what papers my Honourable friend refers to, but what Government have on the subject contain no information beyond that referred to in my reply to part (a) of this question.

**EXTENSION OF TELEPHONE LINES AND REDUCTION IN TELEPHONE CHARGES.**

698. \*Mr. Bhuput Sing : (a) Will Government be pleased to state whether there is any proposal for extension of telephone lines over the whole of India in order to connect all the important cities with one another ?

(b) What is the total estimated cost of carrying out this proposal ?

(c) Is there any proposal of reducing the telephone charges in order to popularise the connections by making the same cheaper ?

The Honourable Sir Frank Noyce : (a) No comprehensive scheme for the extension of telephone lines throughout India in order to connect all important cities has been prepared. Schemes for telephone connections between two or more cities are prepared and carried out if the financial results are anticipated to be favourable and as funds become available.

(b) As there is no single comprehensive proposal, no estimate of cost can be given.

(c) Yes. I place on the table a copy of the Director-General's General Circular which gives full details of the reductions in telephone charges which come into force from the 16th September, 1934.

**INDIAN POSTS AND TELEGRAPHS DEPARTMENT.**

DIRECTOR-GENERAL'S GENERAL CIRCULAR No. 16.

*Monday, 30th July, 1934.*

(Spare copies to be distributed to all departmental telephone Exchanges.)

***Revised Scales of Charges for Telephones.***

With effect from the 16th September, 1934 in the case of all new installations and with effect from the 16th September, 1934, or the termination of the current periods for which rent has been paid, whichever is later, in the case of existing installations and in supersession of all previous orders on the subject, the following revised scales of charges will be introduced for Departmental Manual and Automatic Exchanges, extension telephones, bells and switches, private branch automatic exchanges, private branch manual exchanges, private



automatic exchanges, private manual exchanges, private telephones and non-exchange lines, subject to the conditions and restrictions set forth below, viz.—

### I.—Definitions.

A private exchange is an exchange provided exclusively for the use of a business firm, municipality, Government Department or similar body and is installed and maintained by the Indian Posts and Telegraphs Department in rent-free premises provided by that body. If the exchange is connected by trunk lines or junction lines to a Government telephone system, it is known as a private branch exchange. Operators for private manual exchanges are provided by the hiring authority.

In exceptional cases firms or persons other than the hiring authority may be given connections to a private exchange or private branch exchange.

A sub-exchange is an exchange installed for Departmental convenience within the limits of a free junction area and connected to the main exchange or other exchanges within the area by means of free junction lines.

### II.—Installation Fee.

In all cases in which any telephone is installed or re-opened an installation charge of Rs. 10/- will be levied.

### III.—Departmental Manual and Automatic Exchanges.

(1) The following is the scale of charges for connections to a Departmental Manual or Automatic Exchange—

(a) For all exchanges excepting those specified in clause (b) below :—

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1) (f)].	Annually.
	Rs.	Rs.
Within one mile .. .. .	18	168
Within two miles .. .. .	19	180
Within three miles .. .. .	20	192

(b) For the following Exchanges :—

Delhi, Simla, Mashobra, Rawalpindi, Lahore, Lahore Cantonment, Amritsar, Peshawar, Ghaziabad, Bombay,\* Poona, Ahmedabad,\*  
 \*Government. Drigh Road, Quetta, Nagpur, Cawnpore, Lucknow, Patna,  
 Dinapore, Gulzarbagh, Loyabad, Sindih, Jharra, Regent, Storeyard,  
 Barrackpore, Calcutta West, Rangoon\*.

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1) (f)].	Annually
	Rs.	Rs.
Within three miles .. .. .	20	192

(c) The following special rate provided the connection is within half a mile of the exchange is applicable only to new exchanges which are not connected to the Telephone Trunk System, and to existing exchanges in which the present basic annual rate is rupees one hundred and fifty. From the date of connecting such an exchange to the Trunk System this special rate will not apply to new connections or to existing installations which are subsequently disconnected for breach of any rule, given up, or sought to be transferred to another person.

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1) (f)].	Annually.
	Rs.	Rs.
Within half a mile .. .. .	17	156

(d) For lines in excess of three miles special rates based on the capital cost will ordinarily be quoted. But if existing wires or cable conductors can be utilised with only inexpensive changes, the rates given in paragraphs (e) and (f) below will apply.

(e) All Departmental Manual and Automatic Exchanges—

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1) (f)].	Annually.
	Rs.	Rs.
Within three and a half miles .. .. .	23	216
Within four miles .. .. .	26	240

(f) For a connection in excess of four miles radial distance from the exchange the charge is as for four miles plus the following extra charge:—

Radial distance from Exchange.	Rates payable in advance.	
	Monthly subject to a discount of 10% for prompt payment [vide Para. XI (1) (f)].	Annually.
	Rs.	Rs.
For every half mile over four miles .. .. .	4	36

(2) The above monthly rates are subject to a discount of ten per cent. for prompt payment [*vide* para. XI (1) (f)].

(3) The decision of the Divisional Engineer, Telegraphs, is final as to the radial distance of a connection from the exchange.

(4) Automatic Exchanges will be installed only when the maintenance by technically trained staff can be arranged for at reasonable cost and Heads of Circles have authority to refuse to instal automatic plant where this condition is not satisfied or for any other reason, such as the necessity for manually operated trunk positions.

(5) Special rates may be charged for any exchange connection where the flat rate is insufficient to meet the capital cost of carrying out the work or inexpensive localities.

(6) The rates for connections to a sub-exchange are the same as for the main exchange, distances being measured radially from the sub-exchange.

#### IV.—Extensions and Non-Exchange Lines.

(1) The following are the charges payable in advance for telephone extensions, switches, extra bells, and additional wiring. The same rates apply to non-exchange telephone connections but in this case the hiring contract must ordinarily be signed for at least one year and rent paid annually in advance, and no refunds will be allowed. As an exceptional case, if the connection can be given by utilising existing wires or cable conductors with only inexpensive changes non-exchange connections may be charged for at monthly rates under the rules applicable to departmental exchange lines.

(a) For a telephone extension with switch without intercommunication facilities (including 110 yards of internal loop wiring)—

<i>Monthly.</i>	<i>Annual.</i>
4-0-0	36-0-0

(b) For a telephone extension with switch with intercommunication facilities (including 110 yards of internal loop wiring)—

<i>Monthly.</i>	<i>Annual.</i>
6-8-0	60-0-0

(c) For an extra bell—(with 55 yards of internal loop wiring).

<i>Monthly.</i>	<i>Annual.</i>
1-8-0	12-0-0

(d) For a Plug and two sockets (with 55 yards of internal loop wiring)—

<i>Monthly.</i>	<i>Annual.</i>
1-8-0	12-0-0

(e) For every additional 55 yards or part thereof of internal loop wiring—

<i>Monthly.</i>	<i>Annual.</i>
1-8-0	12-0-0

(f) For every half mile of external loop wire or fraction thereof up to two miles—

<i>Monthly.</i>	<i>Annual.</i>
3-0-0	24-0-0

(g) For every half mile of external loop wiring after the first two miles—

<i>Monthly.</i>	<i>Annual.</i>
4-0-0	36-0-0

(h) For a short length of external loop for the purpose of bells, etc., within the same compound up to one-quarter of a mile—

<i>Monthly.</i>	<i>Annual.</i>
1-8-0	12-0-0

(i) For a complete telephone (including internal loop wiring of 110 yards)—

<i>Monthly.</i>	<i>Annual.</i>
4-0-0	36-0-0

(2) The above monthly rates are subject to a discount of ten per cent. for prompt payment [*vide* para. XI (1) (f)].

(3) All distances are to be actual and are ordinarily to be measured by the shortest practicable route. The decision of the Divisional Engineer, Telegraphs, being final in the matter.

(4) Special rates may be charged in all cases in which the flat rate of charge is insufficient to meet the capital cost involved in carrying out the work or in expensive localities.

(5) For lines in excess of three miles special rates based on the capital cost will ordinarily be quoted unless existing wires or conductors can be utilised with only inexpensive changes. For lines under three miles in length no guarantee is necessary provided that the initial amount of rent paid for the line is equal to at least half the cost of providing it.

(6) In the case of Non-exchange connections Divisional Engineers, Telegraphs, may, at their discretion, quote the above rates or the rate for single wire earth return circuits specified in paragraph VIII below. Ordinarily earth return circuits will not be permitted in town areas.

*V.—Private Exchanges.*

(1) The following are the rates payable in advance for connections to Private Exchanges :—

*(a) Private Automatic Exchanges—*

For an internal connection. Rs. 108 per annum.	For an external connection up to two miles Rs. 156 per annum.
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*(b) Private Manual Exchanges—*

For an internal connection. Rs. 72 per annum.	For an external connection up to two miles Rs. 120 per annum.
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*(c) Private Branch Automatic Exchanges—*

No. of connections.	Obligatory junctions.	Rate for an internal connection.	Rate for an external connection up to two miles if specially sanctioned.
1—4	1	108 per annum.	156 per annum.
5—8	2	108 „ „	156 „ „
9—16	4	108 „ „	156 „ „
17—26	4	144 „ „	192 „ „
27—35	5	144 „ „	192 „ „
36—44	6	144 „ „	192 „ „

(d) *Private Branch Manual Exchanges—*

No. of connections.	Obligatory junctions.	Rate for an internal connection.	Rate for an external connection up to two miles if specially sanctioned.
1—4	1	72 per annum.	120 per annum.
5—8	2	72 „ „	120 „ „
9—16	4	72 „ „	120 „ „
17—26	4	108 „ „	156 „ „
27—35	5	108 „ „	156 „ „
36—44	6	108 „ „	156 „ „

(e) The charge for an external connection to a private exchange or a private branch exchange exceeding two miles in length is the same charge as for an external connection shown above *plus* the following additional charge:—

Every additional half mile . . . . . Rs. 36 per annum.

(2) The above distances are the actual length of the line by the shortest practicable route, the decision of the Divisional Engineer, Telegraphs, being final in the matter.

(3) In cases in which the above rates are considered to be insufficient to cover the expenditure involved, the rental for the portion of the line in excess of three miles may be charged for on the basis of the capital cost.

(4) In the case of a Private Branch Exchange, no external connections outside the compound will ordinarily be permitted but Heads of Circles have full powers to make exceptions to this rule in particular cases.

(5) No extensions, internal or external, are ordinarily admissible on connections to private branch exchanges, but Divisional Engineers, Telegraphs, may use their discretion in relaxing this restriction if circumstances require it. The rates for extension telephones, bells and switches, etc., are the same as those specified in paragraph IV above but monthly rates are not applicable.

(6) Private and Private Branch Exchanges will only be supplied on a guarantee of a specified minimum number of connections, including junctions, for a minimum period of five years. Additional connections may be rented for one year at a time.

(7) Private automatic exchanges will be opened only when the maintenance by technically trained staff can be arranged for at reasonable cost and Heads of Circles have authority to refuse to instal automatic plant where this condition is not satisfied or for any other reason.

(8) In the case of Private Branch Exchanges the number of obligatory junctions shown under paragraphs V (c) and (d) above must be rented for the guaranteed period at annual rates and thereafter can be altered in accordance with the number of connections on the exchange. Rent for these junction lines will be charged at the rate for departmental connections to the exchange to which they are joined. Heads of Circles are permitted to reduce the number of obligatory junction lines to be rented should special circumstances exist which render insistence on the rule unnecessary in the interest of an efficient service or make it unduly onerous to the hiring authority. Heads of Circles have full powers to require the hiring authority to rent additional junction lines should it be deemed necessary for traffic considerations.

(9) Junction lines between Private Exchanges are not ordinarily permitted, but the Director-General may at his discretion permit them in exceptional circumstances. Rent for a junction line between two Private Exchanges is the sum of the charges for an internal connection in each exchange *plus* Rs. 48 per annum up to two miles in length and Rs. 36 per annum for subsequent half mile of actual length by the shortest practicable route.

(10) These rules do not apply to Private Exchanges or Private Branch Exchanges supplied to the Irrigation and Railway Departments for which special rules are at present applicable, but they shall apply in every respect as regards the junction lines to such exchanges.

(11) An installation fee of Rs. 10 per line including junction will be made for installing a private exchange.

#### VI.—Casual Telephone Connections.

The following charges may be made for casual telephone connections provided they can be provided at no appreciable cost :—

- (1) Within a radial distance Rs. 2 per day subject to a minimum of Rs. 10 and of three miles from an exchange a maximum of Rs. 30 for a month.
- (2) Beyond a radial distance As for a connection within a radial distance of three miles *plus* Rs. 5 for each additional mile or portion thereof.

All payments must be made strictly in advance. No refunds will be admissible on casual telephone connections.

VII.—Tap connections required as a purely temporary measure by the hiring authority on an exchange connection or guaranteed trunk line or non-exchange line may be charged for at the rates applicable to casual telephone connections provided that the expenditure incurred in giving the connection does not exceed 75 per cent. of the rent demanded.

#### VIII.—Earth Return Lines.

For single wire earth return circuits the rent should be charged on a capital cost basis.

#### IX.—Shifting Charges.

The following are the scales of charges for shifting private exchanges, telephone connections, extensions, bells, etc. :—

- (a) For a shift from one position to another in the same room—No charge.
- (b) For an internal shift in the same building :—

Rs. 10 for each telephone or extension telephone and Rs. 5 for each extra bell or plug point.

In the case of private exchanges the charge will be Rs. 10 per line including junctions connected to the exchange.

- (c) For an external shift of any kind a new hiring contract is required, as for a new connection, entailing the payment of the prescribed installation charge.

#### X.—Existing Installations.

In cases in which the annual rates prescribed under these rules are greater than the rates in force at present, subscribers may be permitted to retain their existing installations on payment of rent at the existing rates and under the existing conditions until such time as the installation is disconnected for breach of any rule, given up, or sought to be transferred to another person.

#### XI.—Payment of Bills and Refunds.

##### (1) Departmental connections.

- (a) A telephone connection to a Departmental Exchange will be supplied on an initial payment of two months rent in advance with discount as in paragraph (f)

below and an installation fee of Rs. 10 for each telephone installed. The installation fee is not subject to discount.

(b) The hiring authority will be required to sign a hiring contract, in the case of connections to a Departmental Exchange, for a minimum period varying between three and a half months and four and a half months in accordance with the actual date on which the connection is opened. The hiring contract will come into force on the date of application and will continue until the 15th day of the fourth month following the month in which the connection is completed.

(c) The uniform date for the commencement of monthly or annual rental periods will be the 16th of a month and the due date for payment of rental charges will be the day preceding the rental period, i.e., the 15th. All rental charges are payable in advance.

(d) Bills will be issued on the 28th of the month preceding the due date. In all cases on the first occasion of issuing a bill the broken period, if any, will be charged for at monthly rates.

(e) Bills will specify the amounts payable at the monthly as well as the yearly rates—and on receipt of a bill it will be open to the hirer to pay for a month or for a year, provided that such payment comes into effect from the commencement of the next rental period. Provided further that if the hirer decides in favour of and pays the yearly rate on receipt of the first bill the annual rate for the first year will be reduced by the amount of the installation fee and credit will be allowed for the deposit of two months' rent made by him in advance. The initial broken period must be paid for at monthly rates.

(f) The monthly rates will be subject to a discount of ten per cent. calculated to the nearest rupee, sums of eight annas and below being ignored, if the bill is paid on or before the 7th of the month in which the payment is due or in cases where payments are effected by book transfer, the amount is adjusted in the accounts of the month in which the bill is presented. No extension of this date will be allowed in the event of non-receipt of bills, or on account of Sundays or Public Holidays intervening or for any other reason.

(g) After the expiry of the initial guaranteed period, the hiring contract will remain in force until determined with effect from the end of a rental period, i.e., the 15th of any month, by either party giving to the other seven days notice in writing.

If the telephone is disconnected for default in payment of rent (and no notice of termination has been received from the subscriber), the subscriber will be liable for payment of rent at the rates prescribed for the casual telephone connections in the case of the main telephones and at monthly rates without discount in respect of the other items included in paragraph IV.

(h) The contract may, after determination, be extended for short periods of less than a month at the rates prescribed from time to time for casual telephone connections in the case of the main telephones and at monthly rates without discount in respect of the other items included in paragraph IV.

(i) Except in the case of non-exchange connections, for which no refunds are admissible, if a subscriber who has paid rent at annual rates desires to give up his connection after the expiry of the initial guaranteed period, a refund may be granted for any complete monthly periods which remain unexpired. In arriving at the amount of such refund the number of complete monthly rental periods the connection was in use will be charged for at monthly rates less ten per cent. calculated as in paragraph (f) above, a broken period being counted as one month and the balance, if any, of the annual rate paid will be refunded.

(j) If rent is not paid by the subscriber in accordance with the procedure prescribed on or before the due date, he will be disconnected and the connection will only be restored provided he pays the amount of rent due from him together with an installation fee of Rs. 5 within a period of seven days from the date of disconnection. If payment of the rent due together with the fee of Rs. 5 is not made within seven days of the date of disconnection, the subscriber will be required to execute a fresh agreement and to make all the payments as specified in the hiring contract for a new connection including the installation fee of Rs. 10.

(2) *Private and Private Branch Exchanges.*

(a) All charges for connections to Private Exchanges are on an annual basis and must be paid in advance. Connections may be given up for any number of complete calendar months after the expiry of the guarantee or, if not included in the guarantee, after the expiry of one year, and they will be billed for at annual rates *plus* twenty per cent. for the number of months retained, the balance paid, if any, being refunded.

(b) In the case of Private Exchanges and Private Branch Exchanges rentals are payable annually in advance and the existing procedure regarding hiring contracts and the collection of rent from hiring authorities will remain unchanged, but the installation charge of Rs. 10 will be levied in all cases in which any new telephone is installed or re-opened.

(c) Pies shall be omitted in every item of telephone rent bills.

*XII.—Exception to Rules.*

These rules do not apply to Aden.

G. V. BEWOOR,

*Director-General of Posts and Telegraphs.*

**Mr. S. G. Jog :** May I ask, Sir, whether any departmental inquiry has been held as to the places to which extension is possible ?

**The Honourable Sir Frank Noyce :** The Department is in close touch with the situation and has very accurate information as to the likely advantage which will arise from fresh telephonic connections between important cities.

**Mr. S. G. Jog :** Is it a fact that there are a number of States in India having very important cities, and are the Government prepared to consider the question of connecting all these cities in the States with telephone

**The Honourable Sir Frank Noyce :** I can only say that they are prepared to go ahead as rapidly as financial conditions permit.

UNSTARRED QUESTIONS AND ANSWERS.

DEMOTED STAFF OF THE GOVERNMENT OF INDIA DEPARTMENTS.

68. **Kumar Gupteshwar Prasad Singh :** (a) Will Government please lay on the table a statement showing :

- (i) the number of the employees in each Department of the Government of India at Simla, who were demoted on account of the economy campaign ;
- (ii) the number of demoted employees who have been restored since their reversion ;
- (iii) the names of the demoted men, awaiting restoration with their present and previous pay and loss in emoluments sustained by each of them ?

(b) Are Government prepared to issue orders for their immediate restoration ?

**The Honourable Sir Henry Craik :** (a) I place on the table a statement containing the information asked for.

(b) Government have already issued orders that men relegated to a lower division as a matter of retrenchment should be restored to their original division as soon as possible.



*Statement showing the number of men who have been relegated to lower divisions consequent on the abolition of posts in the course of retrenchment in the Departments of the Government of India.*

Name of department.	No. of men who were relegated to a division lower than the one in which they were previously employed either substantively in permanent posts or against vacancies in such posts in which they would have been confirmed but for the ban on confirmation imposed by the F. D. Resolution No. D.-4523/Ex. I/31, dated the 9th July 1931.			No. of men who have been restored to their original position.			No. of men who have yet to be restored to their original posts.	
	From 1st Division to		From 2nd Division to 3rd Division.	From 3rd Division to		From 2nd Division to 1st Division.	No. in the 2nd Division.	No. in the 3rd Division.
	2nd Division.	3rd Division.		1st Division.	2nd Division.			
Army .. ..	..	..	1	..	..	..	..	1†
Finance .. ..	2	..	..	..	..	2	..	..
Education, Health and Lands.	..	1*	5†	..	4	..	..	..
Home .. ..	Nil.							
Legislative .. ..								
Commerce .. ..								
Industries and Labour								
Imperial Council of Agricultural Research.								
Legislative Assembly ..								
Foreign and Political ..								
Military Finance ..								
Railway .. ..								

\*Was subsequently offered a first Division post in the Civil Aviation Office and left this Department.

†One of these men was subsequently offered a first Division post in the office of the Director, Intelligence Department, and left this Department.

‡This Clerk's previous pay was Rs. 188. His present substantive pay is Rs. 170 but he has suffered no loss in emoluments because since his relegation to the III Division he has continued to officiate in a higher grade.

# **RULES RELATING TO THE INDIAN TERRITORIAL AND AUXILIARY FORCES.**

**69. Mr. Muhammad Ashar Ali :** Will Government please place in the Library of this House an up-to-date corrected copy of the rules relating to the Indian Territorial and Auxiliary Forces ?

**Lieut.-Colonel A. F. B. Lumby :** Arrangements have been made to place in the Library of the House, an up-to-date copy of the Regulations for the Indian Territorial Force and of the Regulations for the Auxiliary Force (India)..

# **CONSTRUCTION OF A BRIDGE ON THE CHITTAGONG-LAKSHAM BRANCH OF THE ASSAM-BENGAL RAILWAY.**

**70. Mr. S. C. Mitra :** (a) Will Government please state whether the attention of the Assam Bengal Railway authorities has been drawn to the desirability of constructing a railway bridge between mile-posts 67 and 68 on Chittagong-Laksham Branch of that Railway ?

(b) Are Government aware that about 50 villages have been flooded during this rainy season and the paddy crops have been destroyed due to insufficient water out-lets in this part of the Railway line ?

(c) Is it a fact that there is only one large bridge within 66 miles of the Railway line from Chittagong for out-let of rain water from the Tipperah hills and the villages under the Choudha Gram Police Station ?

(d) Is it a fact that the Railway line in the said area is being washed away by flood water and the Railway authorities are keeping ballasts of stones to repair the road, instead of constructing a bridge for the passing out of the vast accumulated flood water ?

(e) Is it a fact that the President of the Gunabati Union Board, Tipperah, and all influential inhabitants of the locality prayed to the Assam Bengal Railway authorities to save the poor villagers, year after year, from the floods by constructing one or two big bridges for the drainage of water from the Tipperah hills ?

(f) Are Government prepared to make an enquiry about the grievances of the people of the locality for a bridge ?

**Mr. P. B. Rau :** I am making enquiries from the Railway Administration and will place a reply on the table in due course.

# **GRACE TIME FOR ATTENDING OFFICE TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.**

**71. Mr. M. Maswood Ahmad :** (a) Is it a fact that the Government of India Press, Simla, is situated about two to three miles away from the city ? Is it also a fact that, notwithstanding the handicaps and troubles which the employees have to suffer in reaching the Press, a lot of inconvenience is felt and much time is wasted in bringing and taking work to the various Government offices situated in Simla ?

(b) Is it a fact that the long standing convention of ten minutes' grace has been abolished and it is now imperative that every employee must be in the Press at or before 9 A.M. ?

(c) If the reply to the preceding part is in the affirmative, do Government propose either to shift the Press to some central locality in the

vicinity of other Government of India offices and near the city, or to give to every Press employee a residential quarter, or to give to the employees forty-five minutes' grace for reaching such a far off place in the morning ?

**The Honourable Sir Frank Noyce :** (a) As regards the first part of this clause of the question, the attention of the Honourable Member is invited to the reply given by me on the 22nd December, 1933, to part (a) of unstarred question No. 381 by Mr. S. G. Jog. The answer to the second part is in the negative.

(b) The period of grace has been withdrawn and employees are now required to attend the Press punctually.

(c) Government do not propose to take action of the nature suggested.

**RESIDENTIAL ARRANGEMENT FOR THE RELIEVING STAFF ON THE EAST INDIAN RAILWAY.**

**72. Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what residential arrangement they have made on the East Indian Railway for the relieving staff working on the line in place of the staff who might be sick or absent from duty due to any cause ?

(b) Will Government be pleased to state the number of relieving lodges built on the East Indian Railway after the imposition of duty regulation by which the use of relieving hands has become more frequent than before this regulation was enforced ?

(c) Will Government be pleased to state the average attendance of relieving staff on the East Indian Railway per year per station after the introduction of duty regulation and before that ?

(d) Will Government be pleased to state where the off-duty relieving hands live at those small stations on the East Indian Railway where there is no accommodation ?

(e) Will Government be pleased to state whether or not the off-duty relieving hands on the East Indian Railway can occupy the rest-houses, waiting rooms, guard running rooms, etc. ?

(f) Will Government be pleased to state whether it has ever been brought to their notice that relieving staff on the East Indian Railway occupy offices of the stations for their cooking and sleeping purposes ?

(g) Will Government be pleased to state whether on the East Indian Railway it is permissible to use Government offices, where important public work is transacted, as residential quarters ?

(h) Will Government be pleased to state whether facilities are given to the relieving staff on the East Indian Railway for visiting their families when working on the line for a period of over one week ?

(i) Will Government be pleased to state the number of days for which a relieving hand on the East Indian Railway can be kept away from his headquarters ?

(j) Will Government be pleased to state whether a relieving hand on the East Indian Railway, having no place to live in at the station of the temporary appointment, can absent himself during the rest period or return to his headquarters for having rest and requirements of life ?

**Mr. P. R. Rau :** I shall obtain the information wherever it is readily available and shall place a reply on the table in due course.

**ALLOWANCES TO THE RELIEVING STAFF AND THE RUNNING STAFF ON THE EAST INDIAN RAILWAY.**

**73. Mr. M. Maswood Ahmad :** (a) What allowances are given to the relieving staff of the East Indian Railway and to the running staff, such as guards, and on what basis are such allowances calculated ?

(b) How many kinds of allowances can the relieving staff and the running staff on the East Indian Railway earn concurrently ?

**Mr. P. R. Rau :** I am calling for information and will lay a reply on the table of the House in due course.

**FACILITIES FOR THE GUARDS ON THE EAST INDIAN RAILWAY REGARDING THEIR STOPPAGE AT OUT-STATIONS.**

**74. Mr. M. Maswood Ahmad :** What facilities are provided for the guards on the East Indian Railway regarding their stoppage at out-stations after working trains ?

**Mr. P. R. Rau :** I understand that running rooms are generally provided at out-stations on all the State-managed Railways.

**RETURN TO HIS HEADQUARTERS OF A SICK PERSON SERVING ON THE EAST INDIAN RAILWAY.**

**75. Mr. M. Maswood Ahmad :** Is a sick person serving on the East Indian Railway returned to his headquarters, or is he conveyed to a hospital or left at the very station where he fell ill ?

**Mr. P. R. Rau :** The decision will depend on the circumstances of the case.

**REST TO THE RELIEVING STAFF ON THE EAST INDIAN RAILWAY.**

**76. Mr. M. Maswood Ahmad :** (a) What is the maximum period for relieving duty after which a railway employee on the East Indian Railway can get a permanent station ?

(b) Is there any age limit for the relieving staff on the East Indian Railway ?

(c) In accordance with the duty regulation imposed by the railway, what period of rest is given to the relieving staff in a week ?

**Mr. P. R. Rau :** (a) No maximum period has been fixed.

(b) The same age limit applies as to the rest of the staff.

(c) Staff whose work is of a continuous nature are allowed rest under the Hours of Employment Regulations of not less than 24 consecutive hours each week.

**APPOINTMENT OF MUSLIM ASSISTANT SURGEONS ON THE NORTH WESTERN RAILWAY.**

**77. Mr. M. Maswood Ahmad :** (a) Is it a fact that some Assistant Surgeons are to be appointed on the North Western Railway shortly ?

(b) Is it a fact that the number of Muslim Assistant Surgeons on State railways is quite meagre ?

(c) If the reply to the preceding parts be in the affirmative, are Government prepared to reserve recruitment of Assistant Surgeons not only on the North Western Railway, but on all other State railways, for Muslims only for some time ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state the steps they propose to take to remove the shortage of Muslims in the past ?

(e) Was it admitted in reply to question 37 (a) put in this House in September, 1933, that the number of Muslims in the superior service of the Medical Department was three only out of thirty-nine ?

(f) Will Government be pleased to state the number of years in which Muslims will get their due share ?

(g) Will Government be pleased to state whether Mr. Krishnaswami has got any hand in the appointment of the Assistant Surgeons whose appointments are under consideration ?

**Mr. P. R. Rau :** (a), (c) and (d). Government have no information. These appointments are within the competence of the Agent, North Western Railway, to make. I can, however, assure my Honourable friend that in making these appointments the policy recently laid down by Government will be strictly followed.

(b) The total number of Muslim Assistant Surgeons on all the State-managed Railways on the 30th September, 1933, was seven, but my Honourable friend must remember, that till recently some of these Railways were borrowing this class of officers from the Local Governments or the Military Department.

(e) Yes.

(f) I am unable to prophesy.

(g) No. Appointments are made through Selection Boards.

#### HEAD CLERKS IN THE AGENT'S OFFICE, NORTH WESTERN RAILWAY.

78. **Mr. M. Maswood Ahmad :** Has the attention of Government been drawn to the article published under the Caption " Superfluous Posts " in the *Pilot*, dated Amritsar, the 14th January, 1934, regarding the appointment of some head clerks in the Agent's office, North Western Railway ? If so, will Government please state what action has been taken on the same ?

**Mr. P. R. Rau :** The reply to the first part of the question is in the affirmative. As regards the latter part, I have sent a copy of the question to the Agent, North Western Railway, for his information and such action as he may consider necessary.

#### REDUCTION OF THE STATUS OF THE POST OF THE HEAD CLERK, MEDICAL BRANCH, NORTH WESTERN RAILWAY.

79. **Mr. M. Maswood Ahmad :** (a) Is it a fact that now on the amalgamation of the Chief Medical and Health Officer's office, North Western Railway, with the Headquarters office, North Western Railway, most of the work which was formerly done by the Medical Section of the Chief Medical and Health Officer's Office, has been transferred to other

Branches of the Headquarters office, *viz.*, to Works, Operating, General, and Rules Branches ?

(b) If the reply to part (a) above be in the affirmative, will Government please state whether they are considering the question of reducing the status of the post of the Head Clerk, Medical Branch, in these days of financial stringency, and if so, from what date ?

**Mr. P. R. Rau :** I have called for information and will lay a reply on the table of the House in due course.

#### REDUCTION OF THE POST OF SUPERINTENDENT, MEDICAL BRANCH, NORTH WESTERN RAILWAY.

80. **Mr. M. Maswood Ahmad :** (a) Is it a fact that the re-organisation of the Medical Department on the North Western Railway is almost complete now ?

(b) Is it also a fact that on the amalgamation of the Chief Medical Officer's office, North Western Railway, with the Headquarters office, North Western Railway, most of the important and voluminous work has been transferred to Personnel, Confidential, Works, General, Rules, Pass and Operating Branches, etc., on the Headquarters office ?

(c) If the reply to the preceding parts is in the affirmative, will Government please state why the post of Superintendent, Medical Branch, has not been brought under reduction in these days of financial stringency ? Is it a fact that on other State Railways only a Head Clerk or Chief Clerk is in charge of an independent Chief Medical Officer's office ?

**Mr. P. R. Rau :** I have called for information and will lay a reply on the table of the House in due course.

#### RESIDENTIAL ARRANGEMENT FOR THE RELIEVING STAFF ON THE NORTH WESTERN RAILWAY.

81. **Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state what residential arrangement they have made on the North Western Railway for the relieving staff working on the line in place of the staff who might be sick or absent from duty to any cause ?

(b) Will Government be pleased to state the number of relieving lodges built on the North Western Railway after the imposition of duty regulation by which the use of relieving hands has become more frequent than before this regulation was enforced ?

(c) Will Government be pleased to state the average attendance of relieving staff on the North Western Railway per year per station after the introduction of duty regulation and before that ?

(d) Will Government be pleased to state where the off duty relieving hands live at those small stations on the North Western Railway where there is no accommodation ?

(e) Will Government be pleased to state whether or not the off-duty relieving hands on the North Western Railway can occupy the rest-houses, waiting rooms, guard running rooms, etc. ?

(f) Will Government be pleased to state whether it has ever been brought to their notice that relieving staff on the North Western Railway occupy offices of the stations for their cooking and sleeping purposes ?

(g) Will Government be pleased to state whether on the North Western Railway it is permissible to use Government offices, where important public work is transacted, as residential quarters ?

(h) Will Government be pleased to state whether facilities are given to the relieving staff on the North Western Railway for visiting their families when working on the line for a period of over one week ?

(i) Will Government be pleased to state the number of days for which a relieving hand on the North Western Railway can be kept away from his headquarters ?

(j) Will Government be pleased to state whether a relieving hand on the North Western Railway, having no place to live in at the station of the temporary appointment, can absent himself during the rest period or return to his headquarters for having rest and requirements of life ?

**Mr. P. R. Rau :** I shall obtain the information wherever it is readily available and shall place a reply on the table in due course.

#### ALLOWANCES TO THE RELIEVING STAFF AND THE RUNNING STAFF ON THE NORTH WESTERN RAILWAY.

82. **Mr. M. Maswood Ahmad :** (a) What allowances are given to the relieving staff of the North Western Railway and to the running staff, such as guards, and on what basis are such allowances calculated ?

(b) How many kinds of allowances can the relieving staff and the running staff on the North Western Railway earn concurrently ?

**Mr. P. R. Rau :** I am calling for information and will lay a reply on the table of the House in due course.

#### FACILITIES TO THE GUARDS ON THE NORTH WESTERN RAILWAY REGARDING THEIR STOPPAGE AT OUT-STATIONS.

83. **Mr. M. Maswood Ahmad :** (a) What facilities are provided for the guards on the North Western Railway regarding their stoppage at out-stations after working trains ?

(b) What is the maximum period of rest on State-managed Railways allowed to the relieving staff and guards returned to their headquarters from the line and before the commencement of their next duty ?

(c) Is the period of travelling in trains in going to or returning from duty or attending Divisional Office considered as duty or otherwise ?

(d) When a relieving hand becomes sick at a station where there is no Railway Hospital and relieving lodge, what arrangements are usually made for the protection of such sick person from weather and for his diet and medicines ?

(e) Is the sick person serving on the North Western Railway returned to his headquarters, or is he conveyed to a hospital or left at the very station where he fell ill ?

**Mr. P. R. Rau :** (a) I understand running rooms are generally provided at stations where guards change.

(b) No. Running staff have not so far been brought under the Hours of Employment Regulations.

(c) The period of travelling is considered as duty on the North Western Railway except for attendance in divisional office in personal matters.

(d) and (e). The relieving staff, reporting sick while on relieving duty at out-stations, are attended to by the railway doctor in charge of section. If the duration of sickness is estimated less than ten days the staff reporting sick are retained by the railway doctor under his treatment, otherwise, they are sent to the Medical Officer in charge of their headquarters station, as soon as they are fit to travel. Free diet is supplied to those relieving staff who are admitted as in-door patients in railway hospitals provided pay or leave salary does not exceed Rs. 30 per mensem.

#### REST TO THE RELIEVING STAFF ON THE NORTH WESTERN RAILWAY.

84. **Mr. M. Maswood Ahmad :** (a) What is the maximum period for relieving duty after which a railway employee on the North Western Railway can get a permanent station ?

(b) Is there any age limit for the relieving staff on the North Western Railway ?

(c) In accordance with the duty regulation imposed by the railway, what period of rest is given to the relieving staff in a week ?

(d) Do the relieving staff work long hours and thus take rest at their own expense, or separate staff work on duty changing days to allow them to take rest ?

(e) How much extra staff is appointed to give effect to the duty regulation ?

(f) Are the relieving staff allowed freely to enjoy their weekly rest anywhere away from their working stations and are they supplied free passes to visit their families on rest days ?

**Mr. P. R. Rau :** (a) No limit has been fixed to the period of relieving duty. The relieving staff are posted to permanent stations in their turn.

(b) The same age limit applies as to the rest of the staff.

(c) and (d). The relieving staff, when working on relieving duty, take up the duty rosters of, and, therefore, enjoy the same rest as, the persons in whose places they are working.

(e) Approximately, 1,700. This extra staff was appointed to give effect to the Hours of Employment Regulations.

(f) Yes, if permission to leave the station is applied for and passes are applied for and are due.

#### GRIEVANCES OF THE TELEPHONE OPERATORS.

85. **Mr. S. G. Jog :** (a) Will Government be pleased to state whether their attention has been invited to a letter under the heading "Telephone Operators : Government's indifference to their grievances", published in the *Amrita Bazar Patrika* of the 5th June, 1934 ? If so, will Government be pleased to state what action has been taken to mete out justice to the telephone operators ?



(b) Will Government be pleased to state when the telephone operators submitted a memorial to His Excellency the Viceroy and Governor General in Council, and after what period Government intimated their decision to those concerned ?

(c) Is it a fact that of all the Departments of Government, it is only the posts of telephone operators in the Posts and Telegraphs Department which are pensionable without gratuity or provident fund ?

(d) Is it a fact that the subordinate employees in the Railways enjoy provident fund and gratuity benefits ? If so, how is it that the post of telephone operators, who are under the Imperial Government, are debarred from pensionary, provident fund and gratuity benefits ?

**The Honourable Sir Frank Noyce :** (a) Government have seen the letter. The question of improving the general condition of service of telephone operators is under consideration. As regards the question of their pensions, the Honourable Member is referred to the reply to parts (n) and (o) of his starred question No. 966, which was laid on the table of the House on the 8th December, 1933.

(b) The memorials were submitted in February and March, 1933, and were received from the Heads of Circles with their reports on different dates during the period from March to July, 1933. The decision was intimated to the Heads of Circles for communication to the petitioners in January, 1934, i.e., after a period of about six months.

(c) I presume that "pensionable" in this part of the Honourable Member's question is a mistake for "non-pensionable". If this presumption is correct, the reply is in the negative.

(d) The reply to the first part is in the affirmative. As regards the second part, the Honourable Member is referred to the reply to part (a) of the question.

#### HOLIDAYS FOR THE TELEPHONE OPERATORS.

**86. Mr. S. G. Jog :** Is it a fact that telephone operators do not enjoy any holidays throughout the whole year, not even King's Birthday ? If so, do Government contemplate granting any compensatory allowance to the telephone operators on that account ?

**The Honourable Sir Frank Noyce :** As regards the first part of the question, the facts are substantially as stated by the Honourable Member. As regards the second part, the question of the grant of holidays to telephone operators is under consideration.

#### UNSUITABILITY OF THE HINDU REFRESHMENT ROOM AT THE CAWNPORE CENTRAL STATION FOR ORTHODOX HINDUS.

**87. Lala Rameshwar Prasad Bagla :** (a) Will Government please state if they have received any representation as to the unsuitability of Hindu Restaurant at the Cawnpore Central Station for orthodox Hindus ? If so, from whom ?

(b) If the answer to part (a) be in the affirmative, will Government please state if they are prepared to consider the desirability of establishing a restaurant at the Cawnpore Central Station suitable for the taste of orthodox Hindus ?

**Mr. P. R. Rau :** (a) No.

(b) Does not arise.

**ABSENCE OF FANS OVER THE PLATFORMS AT THE CAWNPORE CENTRAL STATION.**

**88. Lala Rameshwar Prasad Bagla :** (a) Are Government aware that, owing to great rush of passengers at the Cawnpore Central Station and for the absence of fans over the platforms, the passengers are greatly inconvenienced during summer ?

(b) Will Government please state if they are prepared to consider the desirability of installing fans over the platforms of the Cawnpore Central Station, as at Calcutta, so as to make the stay on platforms comfortable ?

**Mr. P. R. Rau :** (a) and (b). I understand that the question of the necessity of electric fans on the platform at the Cawnpore Railway Station was discussed at a meeting of the East Indian Railway's Advisory Committee at Cawnpore in September, 1933 ; and that, the Agent stated that the installation of fans would not give commensurate benefit to passengers for the capital outlay and the recurring charges. He was, however, prepared to provide two fans experimentally in the concourse. Government do not consider that their interference in the matter is called for.

**ANGLO-INDIAN SHED APPRENTICES ON THE EAST INDIAN RAILWAY.**

**89. Pandit Satyendra Nath Sen :** (a) Will Government be pleased to state whether it is a fact that nearly 50 Anglo-Indian Shed apprentices in the various running sheds on the East Indian Railway are kept on the maximum pay of apprenticeship after completing their scheduled course of training and also nearly ten apprentice Train Examiners on the various Divisions of the East Indian Railway have been enjoying the same privileges ?

(b) Is it a fact that in the Howrah Division this practice is not enforced ?

(c) If the answer to the preceding parts be in the affirmative, will Government please state the reasons for such differential treatment under one and the same administration ?

(d) If the answer to parts (a) and (b) be in the negative, are Government prepared to consider their case sympathetically ?

(e) Is it a fact that some of them have been appointed as menials though they had passed from the Asansol and the Jamalpore Technical Schools satisfactorily and meritoriously ? If so, do Government propose to give them the same privileges which they were enjoying during their apprenticeship ?

(f) Is it also a fact that the *ex-Shop* trained apprentices of the various shops of the East Indian Railway are going to be appointed in the operative department, though they belonged to the Mechanical department, thus ignoring the legitimate claims of the operating departmental apprentices who were waiting to be absorbed in vacancies as active workers ? If so, do Government propose to remove the latter's grievances by instructing the Agent of the East Indian Railway, accordingly ?

(g) If the answer to part (f) be in the negative, will Government please state why the following *ex-Shop* trained apprentices were

appointed in the Operating department at the end of August, 1933, in the Howrah Division only :

1. K. P. Mukherji. 2. A. N. Mitra. 3. T. A. H. Cahoon.
4. G. B. Allnut. 5. A. N. Chatterjee and others.

(h) Is it also a fact that as per Agent, East Indian Railway's Resolution No. 127 of 1930-31, the apprentice Train Examiners are to be provided after completion of their course if vacancies exist ?

(i) Will Government please enlighten this House on this subject and state why the apprentice Train Examiners of Howrah Division were not absorbed in the existing vacancies, although they had been waiting then as active workers after completion of their course ? Why were these *ex-Shop* trained apprentices appointed in contravention of the Agent's resolution referred to above ?

**Mr. P. R. Rau :** I have called for the information and will lay a reply on the table of the House in due course.

#### TIME OF ATTENDANCE IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

**90. Mr. Bhuput Sing :** (a) Are Government aware that the usual time of attendance in the offices of the Telegraph Storeyard, Alipore, Calcutta, is 10-30 A.M. ?

(b) Is it a fact that some of the officers there have made attendance compulsory between 10 and 10-15 A.M. in some of the Branches ? If so, will Government be pleased to state the reasons for this variation of the office hours in the different Branches of the same office ?

(c) Are Government aware that in some of the offices in the said Telegraph Storeyard, the usual closing hour is 2 P.M. on Saturdays and 4-30 P.M. on other week days ?

(d) Are Government aware that in some branches of the office they are not closed till about 4 to 4-30 P.M. on Saturdays and 6 or 6-30 P.M. on other week days ? If so, will Government be pleased to state the reasons for this differential treatment ?

(e) Have Government issued any circular to the effect that with the stopping of last Saturday holidays, the half holidays on Saturdays should also be stopped in the said offices ? If not, are Government aware that in some branches of the office it has been stopped ?

(f) Are Government aware that the closing of the said offices at late hours in the night causes a great deal of inconvenience to the men who have to walk more than a mile in order to catch the buses or tram cars ?

(g) Do Government propose to remove these discriminations in the treatment of officers in different branches and make a uniform rule for all offices ?

**The Honourable Sir Frank Noyce :** Information has been called for, and a reply will be placed on the table of the House in due course.

**HOLIDAYS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.**

**91. Mr. Bhuput Sing :** (a) Are Government aware that in some of the offices of the Telegraph Storeyard, Alipore, Calcutta the clerks are not allowed :

- (i) all the holidays under the Negotiable Instruments Act ; and
- (ii) all other gazetted holidays ?

If not, do they propose to enquire into the matter ? If not, why not ?

(b) Is it a fact that there is a standing circular of the Director General of Posts and Telegraphs that the list of holidays prepared by the Local Government shall be followed in all cases ? If so, why is that order ignored in the said offices of the Telegraph Storeyard ?

(c) Are Government aware that the Hindu clerks are not allowed to enjoy all the holidays prescribed for the respective Hindu festivals, while the Muhammadans are allowed full facilities of getting all their religious festivals ?

(d) Are Government aware that clerks in these offices are not allowed the full term of holidays prescribed for the Pujahs, Christmas and the Easter holidays ?

(e) Is it a fact that all the clerks of these offices are compelled to attend on all the days during the above holidays without any compensatory leave being granted to them ? If so, why ?

**The Honourable Sir Frank Noyce :** Information has been called for, and a reply will be placed on the table of the House in due course.

**NON-CONFIRMATION OF CERTAIN CLERKS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.**

**92. Mr. Bhuput Sing :** (a) Is it a fact that in some of the offices of the Telegraph Storeyard, Alipore, Calcutta, there are clerks who have been serving on temporary appointments for seven or eight years without being made permanent ? If so, will Government be pleased to mention the number of such clerks ?

(b) Will Government be pleased to state why these clerks have not yet been made permanent ?

(c) Is it a fact that during these periods they are not allowed any increment ? If so, do Government propose to amend the rules regarding increment, so that any man shall be granted increments after two or three years' continuous temporary service ?

**The Honourable Sir Frank Noyce :** (a) to (c). Information has been called for and a reply will be placed on the table of the House in due course.

**ANNUAL REPORT OF THE ARCHÆOLOGICAL DEPARTMENT.**

**93. Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that no Annual Report of the Archæological Department has been written and published by the present Director General of Archæology in India during his tenure of office ?

(b) If the answer to part (a) be in the affirmative, will Government please state the reasons therefor?

**Mr. G. S. Bajpai :** (a) He has edited the Annual Report of the Archaeological Department for 1929-30 which is in the press, and is expected to issue before the end of the year. He has also made considerable progress with the Report for 1930-31 and expects to have revised the first proof copy of that report before his retirement.

(b) Does not arise.

PUBLICATIONS ISSUED BY THE ARCHÆOLOGICAL DEPARTMENT.

94. **Khan Bahadur Haji Wajihuddin :** Will Government be pleased to place on the table a statement showing the various books and other publications, including annual reports, and the names of authors and dates of publications which were issued during the last three years by the Archaeological Department?

**Mr. G. S. Bajpai :** A statement is laid on the table.

*Statement of Publications issued by the Archaeological Department during the last three years (1st April, 1931 to 31st March, 1934).*

Serial No.	Title of Publication.	Name of author.	Date of publication.
	<i>I.—Publications resulting from Sir John Marshall's Special Duty.</i>		
1	Mohenjo-Daro and the Indus Civilization, Volumes I—III.	Sir John Marshall	March, 1932.
	<i>II.—New Imperial Series of the Archaeological Survey of India.</i>		
2	Volume LI. List of Ancient Monuments Protected under Act VII of 1904 in the Province of Bihar and Orissa.	Mr. Muhammad Hamid Kurishi, officiating Superintendent, Archaeological Survey, Northern Circle, Agra.	April, 1932.
3	Volume LLV. Somanath and other Mediaeval Temples of Kathiawar.	Mr. Henry Cousens (Late Superintendent, Archaeological Survey).	June, 1932.
4	Volume XLVIII. Mediaeval Temples of the Dakhan.	Mr. Henry Cousens (Late Superintendent, Archaeological Survey).	January, 1933.
5	Volume XLVII. Easter Indian School of Mediaeval Sculpture.	Mr. R. D. Banerji (Late Superintendent, Archaeological Survey).	September, 1933.
6	Volume LIII. South Indian Inscriptions (Texts). Volume VII. Miscellaneous Inscriptions from Tamil, Malayalam, Telugu and Kennada countries.	Mr. K. V. Subramanya Aiyer (Editor) (Superintendent for Epigraphy).	January, 1934.

Serial No.	Title of Publication.	Name of author.	Date of publication.
7	Volume XLIII. Bakshali Manuscript, Part III. The Text rearranged.  III.— <i>Annual Reports of the Archaeological Survey of India.</i>	Mr. G. R. Kaye (Editor) ..	February, 1934.
8	Annual Report of the Archaeological Survey of India for 1927-28.	Mr. H. Hargreaves (late Director General of Archaeology) (Editor).	September, 1931.
9	Annual Report of the Archaeological Survey of India for 1928-29.  IV.— <i>Annual Reports on South Indian Epigraphy.</i>	Mr. H. Hargreaves (late Director General of Archaeology) (Editor).	June, 1933.
10	Annual Report on South Indian Epigraphy for the year ending 31st March, 1929.	Mr. V. S. Viswanatha (late Assistant Superintendent for Epigraphy, Southern Circle).	November, 1931.
11	Annual Report on South Indian Epigraphy for the year ending 31st March, 1930.	Mr. K. V. Subramanya Aiyer (late Superintendent for Epigraphy).	December, 1932.
12	Annual Report on South Indian Epigraphy for the year ending 31st March, 1931.  V.— <i>Memoirs of the Archaeological Survey of India.</i>	Mr. K. V. Subramanya Aiyer (late Superintendent for Epigraphy).	March, 1934.
13	No. 43. An Archaeological tour in Gedrosia.	Sir Aurel Stein .. ..	July, 1931.
14	No. 23. The Haihayas of Tripuri and their Monuments.	Mr. R. D. Banerji (late Superintendent Archaeological Survey).	January, 1932.
15	No. 24. Rock Paintings and other antiquities of Prehistoric and later times.	Rai Sahib Manoranjan Ghosh (Curator, Patna Museum).	March, 1932.
16	No. 45. Bibliography of Indo-Muslim History excluding Provincial Monarchies.  VI.— <i>Guide Books and Catalogues.</i>	Khan Bahadur Maulvi Zafar Hasan, Deputy Director General, Archaeology.	October, 1932.
17	Archæological Notes on Pagan, revised edition.	Mr. Taw Sein Ko (late Superintendent of Archaeological Survey).	April, 1931.
18	Guide to the Buddhist Ruins of Sarnath, 5th revised edition.	Rai Bahadur Daya Ram Sahni, Director General, Archaeology.	December, 1933.
19	Archæological Notes on Mandalay, revised edition.	Mr. Taw Sein Ko (late Superintendent of Archaeological Survey).	August, 1931.

Serial No.	Title of Publication.	Name of author.	Date of publication.
20	Guide to Mandalay Palace ..	Mons Chas. Duroiselle (late Superintendent, Archæological Survey).	August, 1931.
21	Guide to the Buildings and Gardens of Delhi Fort, 4th revised edition.	Mr. G. Sanderson (late Superintendent, Archæological Survey).	July, 1932.
22	Guide to Hampi Ruins, 3rd revised edition.	Mr. A. H. Longhurst (late Superintendent, Archæological Survey).	September, 1933.
23	List of the Archæological Photonegatives of the North-West Frontier Province, Baluchistan, Kashmir and the Punjab (Muhammadan and British Monuments) stored in the Archæological Survey, Frontier Circle, Lahore, corrected upto 31st March 1930.	Mr. J. F. Blakiston ..	May, 1931.
24	Catalogue of Paintings recovered from Tun Huang by Sir Aurel Stein.	Mr. Arthur Walay ..	January, 1932.
25	Catalogue of Wall-Paintings from Ancient Shrines in Central Asia and Sistan recovered by Sir Aurel Stein.	Mr. F. H. Andrews ..	May, 1933.
26	List of Archæological Photonegatives of the late office of the Northern Circle, Hindu and Buddhist Monuments, Baluchistan, Punjab and United Provinces, stored in the Frontier Circle, Lahore, and Northern Circle, Agra, corrected upto 31st March 1932.	Mr. J. F. Blakiston, Superintendent, Archæological Survey, Frontier Circle.	October, 1933.
27	List of Archæological Photonegatives of the Bombay Presidency, including Sind and Indian States stored in the Western Circle, Poona. Corrected upto 31st March, 1932.	Dr. M. Nazim .. ..	November, 1933.
VII.— <i>Epigraphia Indica</i> .			
28	Epigraphia Indica, Volume XX, Part I.	Dr. Hira Nanda Sastri (Editor)	July, 1931.
29	Epigraphia Indica, Volume XX, Part II.	Ditto ..	May, 1931.
30	Epigraphia Indica, Volume XX, Part III.	Ditto ..	November, 1931.
31	Epigraphia Indica, Volume XX, Part IV.	Ditto ..	November, 1931.

Serial No.	Title of Publication.	Name of author.	Date of publication.
32	Epigraphia Indica, Volume XX, Part V.	Dr. Hira Nand Sastri ..	March, 1932.
33	Epigraphia Indica, Volume XX, Part VI.	Ditto ..	December, 1932.
34	Epigraphia Indica, Volume XX, Part VII.	Ditto ..	March, 1933.
35	Epigraphia Indica, Volume XXI, Part I.	Ditto ..	April, 1933.
36	Epigraphia Indica, Volume XX, Part VIII.	Ditto ..	September, 1933.
37	Epigraphia Indica, Volume XXI, Part II.	Ditto ..	December, 1933.
38	Epigraphia Indica, Volume XXI, Part III.	Mr. K. N. Dikshit (Editor) Superintendent, Archaeological Survey.	February, 1934.
	VIII.— <i>Epigraphia Indo-Moslemica.</i>		
39	Epigraphia Indo-Moslemica for 1927-28.	G. Yazdani (Editor), Government Epigraphist for Muslim Inscriptions.	August, 1931.
40	Epigraphia Indo-Moslemica for 1929-30.	Ditto ..	October, 1932.

#### TRANSFERS OF INSPECTORS OF STATION ACCOUNTS ON THE NORTH WESTERN RAILWAY.

95. **Bhagat Chandi Mal Gola :** (a) Is it a fact that there are Inspectors of Station Accounts attached to the North Western Railway, who have been posted on one Section or at one Station for more than the prescribed period ?

(b) Are the Railway Board now prepared to issue necessary instructions to the Chief Accounts Officer to effect the transfer of such men ?

**Mr. P. R. Rau :** (a) Possibly Government are not aware that any period has been prescribed.

(b) No, Government leave these matters to the discretion of the Chief Accounts Officer.

#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been 12 Noon. received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 18th August, 1934, agreed without any amendments to the Bill to extend the operation of the Bengal Criminal Law Amendment (Supplementary) Act, 1932, which was passed by the Legislative Assembly at its meeting held on the 6th August, 1934.”



## THE INDIAN PETROLEUM BILL.

**The Honourable Sir Frank Noyce** (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, as reported by the Select Committee, be taken into consideration.”

Sir, I do not think that any long speech is required from me in support of this motion. The changes in the Bill which have been made by the Select Committee are somewhat numerous, but not more than was to be expected in a Bill dealing with a highly technical subject which was circulated for opinion after it had been introduced in this House. The most important, and, I venture to think, the most valuable change which has been made in the Bill is in clause 12. In the Bill as originally introduced petroleum which was the property or in the possession of any duly authorised officer acting in the execution of the Act was exempted. Objection was taken to this clause by my Honourable friend, Mr. Gaya Prasad Singh, in the course of the discussion on the motion to refer the Bill to a Select Committee. It has now been altered, I trust, to his satisfaction and the clause now runs that nothing in Chapter I shall apply to any petroleum exempted by the Governor General in Council by notification in the Gazette of India in this behalf. This means that all ordinary petroleum which is the property of or in the possession of Government will be treated in exactly the same way as if it was the property of or in possession of private owners. The only Government petroleum which will be exempted is petroleum which is required for testing purposes. The real value of the altered clause, however, lies elsewhere and is to be found in the power of exemption that it will give to certain turpentines to which it may not be necessary or desirable to apply the provisions of this Bill. Under the altered clause, it will also be possible to deal suitably with another point which has been raised in the discussion in the Select Committee and elsewhere. The Select Committee decided not to reduce the flashing point of petroleum, to which Chapter I will apply, from 200 degrees Fahrenheit to 150 degrees. I quite admit that it is perhaps taking a somewhat conservative view but it was the view which has been strongly held too by two recent Chief Inspectors of Explosives, Dr. Sheldon and Dr. Robson, who had very great experience in these matters. If I may say so, I think the Select Committee were fully justified in following the opinion of the experts in these matters and in retaining the higher figure. But as I have already said, I am quite prepared to admit that the view the Select Committee has taken is a somewhat conservative view and I consider it desirable that the rules which are framed under the new Act in regard to transport and storage of fuel oils should be framed in close consultation with and with due regard to the interests of the industry. I am, therefore, very ready to give a categorical assurance that we shall do our best so to frame the rules in consultation with the industry so as to ensure that no reasonable obstacles are placed in the way of securing the necessary facilities for the transport and storage of fuel oil as opposed to the import of these oils. This was the most important change made by the Select Committee, and I need only refer very briefly to the other changes. Clause 5 has been altered so as to exclude the production of oil in Burma which is already regulated by a local Act, the Burma Oil Fields Act of 1918. That Act is working satisfactorily

ly and there seems no necessity to include in the Bill before the House matters which are already regulated by rules under it. The use of small power plants is extending rapidly, and it was, therefore, thought desirable to place as few obstacles as possible in the way of possession by owners of such plants of petroleum they require for running their engine. As was to be expected from a Select Committee of which my Honourable friend, Mr. Lalchand Navalrai, was a Member, the punishment by imprisonment originally provided in clause 23 has been omitted. But it has been thought desirable to provide for an enhanced fine for repetition of offences under this clause in view of the danger to human life and the safety involved in such offences. This is all, I think, I need say about the changes which have been made by the Select Committee.

I owe the House an apology for the fact that a few small amendments to the Bill stand in the name of the Joint Secretary of my Department. Those amendments are merely brought forward to give effect to certain changes which were consequential changes and which were actually approved by the Select Committee, but which, for some reason or other, I am not sure whether it was the fault of my Department or of the Legislative Department or of the printer, have been overlooked in printing the Bill. As I have said, I owe the House an apology for bringing them forward. I venture to contend in conclusion that the Bill as amended places the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances on a very much more satisfactory basis than it is at present and I have no hesitation in commending my motion for the consideration of the House. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, as reported by the Select Committee, be taken into consideration.”

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, this is a non-contentious measure, and, whatever little points of difference there were in the Bill, as it was originally introduced, it has come out from the Select Committee as a most acceptable measure. Reference has been made to the objection which I took to clause 12 of the Bill which has been amended by the Select Committee. Now, clause 12 of the Bill as it was originally introduced runs as follows :

“ Nothing in this Chapter shall apply to petroleum which is the property of or is in the possession of Government or of any duly authorised officer acting in the execution of this Act.”

This, I contended, was a very wide power which is vested in the clause, namely, to exclude from the purview of this Bill petroleum which is the property of the Government or in possession of any Government officer. I quite realise that difficulties may arise in giving effect to this proposal inasmuch as investigating officers may be hampered in the discharge of their duties who may have to deal with and to take into custody petroleum under the provisions of this Act. Now this clause has been amended accordingly, and the clause as it has been amended reads as follows :

“ That Governor General in Council may, by notification in the Gazette of India exempt any petroleum specified in the notification from all or any of the provisions of this Chapter.”

[Mr. Gaya Prasad Singh.]

I venture to feel that this new clause is more wide than the clause which stood in the original Bill. I have no doubt that Government will not issue any notification exempting Government petroleum from the purview of this Act. I should have liked clause 12 to be amended somewhat on these lines, namely :

“ Nothing in this chapter shall apply to petroleum which is in the possession of any duly authorised officer of Government acting in the execution of this Act.”

That would have restricted the operation of this provision only to the case of those Government officers, who, in the exercise of their duties, have to handle petroleum and keep it in custody for the time being. However, I have full confidence that petroleum which is in the possession of Government or which is the property of Government will not be sought to be exempted under this clause of the Bill.

There is only one other point, Sir, to which I should make a reference, but before I do so, I will refer to the note on this particular clause 12 in the report. The report says :

“ We have recast this clause. We do not propose to exempt Government petroleum from the provisions of Chapter I, but we recognise that a power of exemption is necessary to provide for such cases as the possession of petroleum for testing purposes, and in order possibly to exclude certain turpentines.”

Now, I should have liked the substance of this note to be embodied in the form of a sub-clause in clause 12. But, however, as I have stated, I do not take any formal objection to this new clause, and I have tabled no amendment on it. I will now only refer to clause 24 to which reference has been made by a Member of the Select Committee. This clause says :

“ (b) where the offender is convicted of importing, transporting or storing petroleum exceeding the quantity he is permitted to import, transport or store, as the case may be, the whole of the petroleum in respect of which the offence was committed,

shall, together with the receptacles in which it is contained, be confiscated.”

I do not exactly understand the significance of “ the whole of the petroleum ”. Suppose, for instance, the dealer is authorised under the terms of this Act or under the terms of his licence to store a particular quantity of petroleum, say, 200 gallons. Before the whole of the stock runs out he orders a fresh supply of 200 gallons. Suppose this supply comes to him when about 10 or 15 gallons of the old stock remains in his shop. What is to be done in this case ? At that particular moment when he receives the new supply, he will have in his possession 200 gallons *plus* 10 or 15 gallons which is left of the old stock. Is it intended, in clause 24, to forfeit the whole of this stock which is with him, that is, the new 200 gallons *plus* the 10 or 15 gallons of the old stock which is left with him ? If that is so, it will work hardship in his case. At small stations where possibly there is only one dealer in petroleum, it is necessary that he should get his supply before the whole of the old stock is exhausted ; and consequently, if this clause is strictly enforced it will entail undoubted hardship upon him. I do not know whether I have understood the significance or the implication of this clause correctly ; if I have not, I shall be glad if my Honourable friend will correct me on this point. But if my interpretation is correct, I think Government will realise that it will work some hardship, specially in small mufassil places where there may be only one or two dealers. Now, if there is only one dealer, and if he waits for a fresh supply till the whole stock of the old

petroleum is exhausted, probably there might be no stock of petroleum left in his shop and in the whole station where he supplies thereby putting the public to inconvenience. Therefore, I should like to have from the Honourable Member a clear statement of the case. With these few words, I support the motion that the Bill be taken into consideration.

**Mr. L. C. Buss** (Nominated Non-Official) : Sir, I should like, first of all, to congratulate the Honourable Sir Frank Noyce on the evolution of a very satisfactory Bill, and one, which I think, will be found in practice to give to Government all necessary powers of control, to the public all the protection which is humanly possible, and to the petroleum industry reasonable facilities for carrying on their business without unnecessary and vexatious restrictions. In many respects Government have met the wishes of the public and the industry expressed to them as a result of circulating the draft Bill. They have rejected one important recommendation to which Sir Frank Noyce has already referred, and to which I shall refer later in more detail. But, generally speaking, they have been very sympathetic to the suggestions put before them, and, I venture to say, that it is difficult to take exception to the Bill as now drafted. Although Sir Frank Noyce recently remarked that this is a burning question, it is not, I submit, in any way a controversial measure. I have said that I consider the Bill a very satisfactory measure, but I should like to emphasise that in the case of the Petroleum Bill, more, I think, than in the case of other Bills, the rules which will be framed as a result of the Bill are of very vital importance, of more vital importance than the Bill itself ; and I hope the Honourable Member in charge will be able to assure the House that when suggestions are made to Government as a result of circulating the draft rules, they will give the same consideration to those suggestions as they have given in the case of the Bill. I have mentioned that one important suggestion was not accepted. I refer of course to the reduction of the flashing-point limit in clause 11 from 200 degrees to 150 degrees Fahrenheit. I do not hold a brief for the entire petroleum industry in India, but I speak for a large and important part of it, and I think, I can safely say that the whole industry are of my way of thinking in this matter, namely, that oil of this high flashing-point, i.e., fuel oil, cannot, by any stretch of imagination, be regarded as a danger to the public during transport and storage. I was anxious to persuade Sir Frank Noyce to exempt this oil entirely from the operation of the Bill, but I understood from him that there were difficulties about this, and I accepted his point of view. I do, however, press, and press most strongly, for its exemption entirely from the transport and storage rules. In support of my contention, I have been studying the Chief Inspector of Explosives' reports for the past 12 years. I have not gone further than that because I have not been able to secure the earlier reports. In those 12 reports, I have only been able to trace two occasions on which accidents have occurred owing to the use of fuel oil. I say "use", because I wish to emphasise that neither of these accidents took place during the storage or transport of fuel oil. With your permission, Sir, I will quote from the Chief Inspector of Explosives' Report about these two accidents. The first took place in 1923 and the report is as follows :

"An Indian was standing directly in front of a steam boiler furnace where fuel oil was being used when a blow-back occurred at the furnace. The man's clothes caught fire and he was burnt so severely that he died the next day."

[Mr. L. C. Buss.]

The second accident took place in the following year, 1924, and this is a report of it :

“ An Indian opened a valve on the gasline supplying the boilers with fuel, to clear it of water and gas. There was a strong wind blowing towards the boiler and the condensate spray was carried towards the boiler where it ignited, severely burning the man, who eventually died of burns.”

The second case seems to me more like an accident due to the use of gas, but as it is recorded under the heading of Fuel Oil, I accept it as such. My point is that neither accident took place during transport or storage and that nothing in the rules could have been of any avail to prevent these two accidents, both of which occurred during the firing of boilers, and we are left with the excellent record of not a single accident having taken place in this way, during the past twelve years at any rate. I think that this should prove my contention conclusively. It may, of course, be argued that this remarkable immunity from accident is due to the operation of the rules under the Act ; but if that is the case, it might equally well be argued that the rules should also have prevented accidents arising from the handling of other petroleum products, such as crude oil, petrol and kerosene, especially as the rules in their case are much more stringent. But we have over a hundred accidents as a result of the handling of these more dangerous products during the same period. It is usually when the rules are broken that accidents occur, and, I am sure, that in the case of fuel oil there must have been very numerous occasions on which it has been handled ignorantly or negligently, but no accidents have taken place. If my case is not yet sufficiently strong, I should like to recall the events which took place at Madras on the 22nd September, 1914. The German Cruiser, Emden, steamed past Madras and bombarded the oil installations there. I was present on that occasion myself, and after spending the night in helping to remove our petrol stocks from the vicinity of the two blazing kerosene tanks, I took the opportunity, next morning, to examine the full extent of the damage done. We found that another tank containing fuel oil had, like the kerosene tanks, been pierced by shells ; but although the sides and roof of the tank were riddled with holes from the exploding shells and the tank compound was deluged with scattered oil, there had been no fire ; and I think this is an extraordinary and convincing proof that this oil is not dangerous.

I hope, Sir, that I have been able to persuade Sir Frank Noyce that my view on this matter is reasonable and I support the Bill.

**The Honourable Sir Frank Noyce :** Sir, I much appreciate what has fallen from my Honourable friends, Mr. Gaya Prasad Singh and Mr. Buss. Mr. Gaya Prasad Singh is still not very satisfied with clause 12 as it has been redrafted. I can only repeat what I said just now, and that is that we do not propose to make any distinction between Government petroleum and other petroleum except to the very small extent mentioned in my opening remarks, namely, where the petroleum is required for testing purposes.

**Mr. Gaya Prasad Singh :** I am satisfied.

**The Honourable Sir Frank Noyce :** I am grateful to the Honourable Member. He also raised a point in regard to clause 24 which lays down that the convicting magistrate may direct that the whole of the petroleum

in respect of which an offence has been committed may be confiscated. I think that clause follows the usual lines in regard to powers of confiscation. The power of confiscation in customs and excise matters is, I think I am right in saying, given in respect of the whole of any article in regard to which any offence has been committed. The difficulty here is in distinguishing between the various parts of the petroleum. Suppose you have 200 gallons of petroleum and the offence has been committed in respect of five gallons of that, it would be very difficult to say which five gallons should be confiscated; but the real point is—and I think that is the real answer to my Honourable friend, Mr. Gaya Prasad Singh—that the powers of confiscation are not compulsory: they are only permissive: the convicting magistrate may or may not direct the petroleum to be confiscated. In any case, where an offence is purely technical, I do not think for a moment that in such a case the convicting magistrate would direct that the whole of the petroleum should be confiscated....

**Mr. Gaya Prasad Singh :** But it says :

“ The whole of the petroleum shall, together with the receptacles in which it is contained, be confiscated.”

It is not “ may ”, but it is “ shall ”. It makes it obligatory on the magistrate.

**The Honourable Sir Frank Noyce :** I do not think my Honourable friend—who is a far better lawyer than I am—has read the first portion where it says “ the convicting magistrate *may* direct, etc., etc.” We have to presume that he will exercise his discretion with common sense.

As regards the two points raised by my Honourable friend, Mr. Buss, I can only repeat the categorical assurance that I gave him in regard to the first of them, namely, that in framing the rules under the new Act, we shall consult the interests of the trade and shall give the most careful consideration to any point that they put forward—as indeed we always do in these matters. I do not think that the record of Government in administering Acts of this kind, which involve control of some important product, is at all unsatisfactory. As regards the second point, I am sorry I cannot at the moment give him such a definite categorical assurance. I can only assure him that the points he has raised with regard to the transport and storage of heavy oils will receive our most careful, and, I would add, our most sympathetic consideration and that we will certainly go as far as we can in the direction of exempting these oils from what he doubtless considers vexatious restrictions. I cannot say at the moment, that we shall be able to go the whole way with him, but I do say that, we will endeavour to go as far as we can.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to consolidate and amend the law relating to the import, transport, storage, production and refinement of petroleum and other inflammable substances, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 13 stand part of the Bill.”

**Mr. E. W. Perry** (Government of India : Nominated Official) : Sir, I move :

“ That in sub-clause (1) of clause 13 of the Bill, for the words ‘ or refined ’ the words ‘ refined or blended ’ be substituted.”

Sir, these four amendments which stand in my name merely carry out the decisions of the Select Committee. I may say that I am responsible for these blemishes in the Report. The fact is that we had very little time to check the Report before it was placed before the House. We wished to give the Members as long a time as possible to peruse it before it was taken into consideration, and we took the risk of these mistakes advisedly and postponed the final scrutiny of the Report until after the Report was placed before the House.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (1) of clause 13 of the Bill, for the words ‘ or refined ’ the words ‘ refined or blended ’ be substituted.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 13, as amended, stand part of the Bill.”

The motion was adopted.

Clause 13, as amended, was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 14, as amended, stand part of the Bill.”

**Mr. E. W. Perry** : Sir, I move :

“ That in sub-clause (1) of clause 14 of the Bill, for the words ‘ or refined ’ the words ‘ refined or blended ’ be substituted.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in sub-clause (1) of clause 14 of the Bill, for the words ‘ or refined ’ the words ‘ refined or blended ’ be substituted.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 14, as amended, stand part of the Bill.”

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 to 22 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 23 stand part of the Bill.”

**Mr. E. W. Perry** : Sir, I move :

“ That in clause (d) of sub-clause (1) of clause 23 of the Bill, for the words ‘ in charge ’ the words ‘ in control or in charge ’ be substituted.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause (d) of sub-clause (1) of clause 23 of the Bill, for the words ‘ in charge ’ the words ‘ in control or in charge ’ be substituted.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 23, as amended, stand part of the Bill.”

The motion was adopted.

Clause 23, as amended, was added to the Bill.

Clauses 24 to 28 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 29 stand part of the Bill.”

**Mr. E. W. Perry** : Sir, I move :

“ That in clause (a) of sub-clause (1) of clause 29 of the Bill, for the words ‘ or refinement ’ the words ‘ refining or blending ’ be substituted.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause (a) of sub-clause (1) of clause 29 of the Bill, for the words ‘ or refinement ’ the words ‘ refining or blending ’ be substituted.”

The motion was adopted.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 29, as amended, stand part of the Bill.”

The motion was adopted.

Clause 29, as amended, was added to the Bill.

Clauses 30, 31 and 32 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Frank Noyce** : Sir, I move :

“ That the Bill, as amended, be passed.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

## THE INDIAN RUBBER CONTROL BILL.

**Mr. G. S. Bajpai** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India be taken into consideration.”



[Mr. G. S. Bajpai.]

The measure before the House, Sir, has, both as regards its scope and its content, much that is in common with the Bill to control the export and cultivation of tea which was adopted by the House last year, and I hope, Sir, that the measure of good fortune which attended that measure in regard to the promptness of its passage will also attend the Bill which I am moving consideration of today. I think, Sir, that the interests of clarity would best be served if I were to classify my remarks in regard to this Bill under three heads, first, the origin of the Bill, secondly the scope of the Bill, and thirdly its content. As regards the origin, Sir, the position is that since 1929, there has been a steady excess of production over the rubber actually absorbed by the consuming markets of the world. The result has been a steady deterioration in prices. Prices fell because of this phenomenon from year to year ; they showed no disposition whatsoever to revert to what might be called an economic level. Therefore, Sir, it was to remedy this unhealthy situation that initiative was taken first by the Rubber Growers' Association of London, who speak on behalf of producing interests throughout the British Empire, to enter into negotiations for the restriction of exports and of the cultivation of rubber, with the representatives of producers in the Netherlands, East Indies, which is the next largest producing unit in the world. These were followed up by negotiations which ensued between these two parties with representatives of producers in French Indo-China, and subsequently the Governments of Sarawak and Siam joined these negotiations. To make a long story short, in April last, the Government of India were informed that the producing interests had actually come to an agreement, of which the object was to restrict the export of rubber and also to limit the planting and re-planting of rubber, and that in order to implement these two agreements, legislative action would have to be taken by the Governments of the different countries. That, Sir, was communicated, as I have said, to the Government of India at the end of April, and the Government then took steps to ascertain whether it would be in the interest of India to participate in this agreement. They communicated with the Governments of Madras and Burma, which are the two principal producing units of British India, and, through the Agents to the Governor General concerned, with the Governments of Travancore, Cochin and Mysore. They wished, Sir, to be satisfied in regard to three points : first, as to the measure of support which was coming forward for this scheme of restriction from the producing interests concerned, secondly, as to the equity of the quota allocated to India for export, and the arrangement on which the export quota was to be distributed amongst the various producing States. The third point, Sir, on which they sought satisfaction, was the effect of this scheme of restriction upon the supplies for local markets.

Now, Sir, as regards the first point, namely, the measure of support forthcoming for this scheme from producing interests, the position that unfolded itself to the Government of India was as follows. Every registered or known owner of an estate in South India, that is to say the British Indian portion of it, was in favour of this scheme. So far as the States of Travancore and Cochin were concerned, they said that they were prepared to co-operate in giving effect to the international agreement. Then, as regards Burma, the position was that, owing to the existence of a very large number of estates of an area of ten acres or less, it was

impossible to institute a referendum there, but the larger producing interests in Burma were also in favour of this scheme. That, Sir, was the position as regards the attitude of the producers themselves. The second point, as I have already said, on which the Government of India sought satisfaction was the equity of the allocation of the quota actually made to India. At the time no representation was made to the Government of India suggesting that the quotas actually allotted to India were not satisfactory to India. Since then, representations on that point have been received and I shall have something further to say on that point a little later on. As regards the basis of distribution of export quotas amongst estates, the arrangement proposed appeared to the Government of India to be satisfactory. The third point was the effect on local supplies. Well, as a matter of fact, the supply of rubber from the local market is not adequate to the demand. Therefore, this point did not actually enter into the consideration of the problem. In view of the position as thus ascertained, the Government of India communicated to the Secretary of State their willingness to enter into the agreement, but they made two reservations, namely, that, in so far as legislative action was necessary to implement the agreement, the approval of the Legislative Assembly would be necessary, and further, that, in so far as the provisions of the agreement apply to the Indian States, the co-operation of the Indian States must be secured.

Now, Sir, the next step was the signing of the agreement, for which purpose, Sir Bhupendra Nath Mitra, our High Commissioner in London, was selected to act on behalf of the Government of India.

Before I pass on to the scope of the Bill, I might say what I have to say in regard to the allocation of quotas to India. The position as regards that is that, since the agreement was signed, it has been brought to the notice of the Government of India that the basis upon which these quotas were fixed was inaccurate. For example, the 1932 statistics of the production of rubber in India show an area of roughly 46,000 acres as under rubber in the State of Travancore. The Licensing Committee which has been set up for South India, as a result of the investigations, which it has made up-to-date, has found that actually in Travancore 80,000 acres is under rubber. That, Sir, represents a difference of something like 60 per cent. In regard to the other producing units in India, perhaps the discrepancy is not so great, at any rate, the information supplied to us does not show that the discrepancy is as great, but in regard to Travancore it is substantial, and the Government of India, therefore, came to the conclusion that it may be that when these investigations are completed they would have to make representations to the International Control Committee in London and point out that, inasmuch as the quota allotted to India has been based on inaccurate statistics, therefore an endeavour should be made to revise the quota in favour of India. Now, Sir, my Honourable friends will observe from clause 13 of the Bill that, whereas for the first year—it is too late to do anything for the first year—we have adopted the quota which was actually introduced in the agreement, as regards the subsequent years of the agreement which, in the first instance, is to last up to the end of 1938, it is left to the Governor General in Council to determine the export quota for India. I really would not like to prophesy as to what would actually happen, but it is undoubted now that there is a *prima facie* case for a revision of the quota allotted to India, and it will be the endeavour of the Government of India,

[Mr. G. S. Bajpai.]

when all the material is forthcoming, to see that the quota is revised so as to make it more equitable to India than it is under the agreement as it stands at present.

In regard to the scope of the Bill, there is not very much really that should be said or that need be said. As I have already stated, the object of this agreement is to regulate exports to the economic demand ; that necessitates a certain amount of control as regards exports, and that is what the Bill provides. Equally it is no use restricting exports knowing the position, as the Governments concerned and the producing interests concerned do in regard to production,—it is no use that exports should be restricted and no corresponding action taken in regard to the increase of area under rubber. Therefore, the Bill provides for a strict limitation both of planting and re-planting of rubber.

In regard to the content of the Bill, I think that, apart from those provisions which relate to the regulation of export and the regulation of planting and re-planting, the bulk of the Bill is taken up with the prescription of machinery for giving effect to the provisions of the agreement. Now, Sir, as in the case of the Tea Control Act, we have, and I think rightly, decided to entrust the actual administration of the agreement and the Bill to the representatives of the industry itself, subject, of course, to such powers of supervision being retained by Government as are necessary in order to ensure that the agreement and the Bill are administered with equitable regard to all the interests concerned. Honourable Members will observe that licensing committees have been set up for India and Burma separately. The reason for that is that the geographical separation of Burma from India necessitates a certain amount of devolution, and further, the existence of a very large number of small producing estates in Burma necessitates a certain structural differentiation between the machinery that we set up for South India and the machinery that is being set up for Burma.

I do not think that it is necessary for me to detain the House much longer over an explanation of the detailed provisions of the Bill.

One reason why India should join the agreement, I have hinted at already, namely, that an international agreement in order to be effective must be complete. The defection of any one country is only apt as it were to multiply defections and thus defeat the very purpose of an agreement of this kind. But there is another reason why, I think, India should view this arrangement with favour. As Honourable Members are aware, the largest producing group for rubber in the world, that is to say, the Federated and the Unfederated Malay States, recruit their labour from India. And the House is also aware that the adversity of the rubber industry involved a considerable fall in the wage rates which are paid to Indian estate labourers in the Federated and Unfederated Malay States. We hope that the improvement and stabilisation of the rubber industry, which is expected to result from this Agreement, would enable us to try and have the wage levels for Indian labour in Malaya restored. I am quite certain that the agreement, which already has had the effect of considerably improving the prices for rubber, will also, if it is continued, have the effect of stabilising those prices. Certain figures may be of interest to the House. For example, in January, 1934, the rubber price at Singapore was three annas eight pies a pound, and, in July, it was five annas 11 pies a pound. That registers an increase of roughly 66 per cent. in

price. Now, Sir, so far as Ceylon is concerned, this improvement in prices has already had the effect of bringing about a restoration of the standard wage rates to the figures at which they stood two years ago before the depression became acute. We are hoping that if this improvement is stabilized in the world markets generally, we shall be able to get similar steps taken in regard to the Indian labour in Malaya. That, Sir, is all that I have to say at this stage. Sir, I move for the consideration of the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India be taken into consideration.”

**Mr K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, I agree with the principles involved in this Bill and have great pleasure in supporting it. While doing so, I crave your indulgence to make a few observations. But, Sir, at the very outset, I may say, that I am not a rubber planter, nor am I interested in any way in rubber plantations. I do not even hold a rupee worth of shares in any plantation. I am only speaking on behalf of a few indigenous Indian planters who are not members of any organisation like the South Indian United Planters Association, and, for advocating whose cause, I do not find any one in the House.

Sir, you will find that in the Madras Presidency, *i.e.*, in British India proper, the only place where rubber is grown is Malabar. It is in Malabar alone that there are any plantations. On the borders of Coimbatore and Salem there were a few acres, but they have been altogether neglected recently, and if we speak about rubber cultivation in South India, it is only with reference to the plantations in Malabar. The position of the Indian planters is this. They are not a rich class. They have not got the necessary funds to spend on the plantations. Just before the tapping season begins, they approach some European exporters to advance money for their expenses and they contract with them to supply a certain quantity of rubber and also fix the price. They cannot sell their products at the maximum benefit in this country or export them outside. Since the slump began, the European exporters, who are themselves managers of some of the rubber plantations, naturally care more for their own plantations and have not been advancing loans as they were doing before, with the result that practically all the Indian plantations have now been ruined. They are not working the plantations and have altogether neglected them. If you refer to the Rubber Statistics of 1932, which is a Government publication, you will find that, out of a total acreage of 11,407 acres in Malabar, only 450 acres have been tapped, and, if I am not mistaken, all these 450 acres belong to European planters. If you will refer to the statistics for the whole of India, you will find that in the year 1929, the production was 28 million pounds of rubber, while, in the year 1932, it was only 6.3 millions. The stock held in the hands of the planters in the month of December, 1929, was nearly six million pounds, while in the year 1932, it was only 31½ thousands. You will see the enormous difference between the production and stock held in the year 1929 and in the year 1932. I presume that since 1932 things have further deteriorated. It is unfortunate, the figures for the two years, 1933 and 1934, are not yet available.

[Mr. K. P. Thampan.]

The Honourable the Secretary for Education, who is in charge of this Bill, referred to the circumstances under which the international scheme was brought about. Sir, the complaints against the international scheme, so far as I know, are four. In the first place, the total acreage of plantations in South India has not been taken into consideration. The Honourable Member, Mr. Bajpai, himself, referred to the case of Travancore, but, I am certain, the total acreage in British India also has not been rightly appraised. The land system in Malabar is peculiar. The *jenmi* is the absolute owner of the land, and most of the forests are in the hands of *jenmis*. The returns for the plantations on these private forests are not properly sent and the Government do not concern themselves about these. Therefore, I am certain, that the total acreage of rubber plantations in Malabar could not have been taken into consideration. Another point is that undue preference and favouritism have been shown to other countries. I will refer to that in detail a little later. The third complaint is that the export from Alleppey in Travancore has been altogether ignored and not been taken into consideration at all. This has been admitted by the Government. The total export from Alleppey, in the year 1929, was about 13 hundred tons. That ought to have been given credit for fixing the quota. The fourth complaint is that sufficient margin has not been given, as in the case of other countries, to the plantations that are yet to mature. The saplings or young and immature trees of 1929 would mature and be fit, for tapping by this time. Of course, I know, an *ex gratia* allowance of 12½ per cent. has been provided for that. But that is given to all countries and is hardly sufficient to meet the circumstances of the situation in India. These are the main grievances against the international scheme. With regard to the second complaint, namely, that undue preference has been shown to other countries, I wish to quote the figures showing their respective export for 1929 and the quotas that have been fixed for them. It is a pity that the official memorandum does not contain them, and I am indebted to a writer in the *Madras Mail* for these figures. In the year 1929, India exported 6,850 tons, and you will find that the quota for India is the same. Siam exported in 1929, 5,100 tons, but for the year 1934 a quota of 15,000 tons has been given to it. That is three times the export of 1929. Borneo exported only 7,400 tons, while it is given 12,000, that is nearly double. Then, Sir, in regard to Sarawak, I find the export for the year 1929 was only 11,300 tons, while the quota for this year is 24,000. That is more than double. Then, again, take Indo-China. The export was only 10,100 tons, while the quota for that country is 30,000. That is about three times. You will find that, unfortunately for India alone, the quota for 1934 is the same as the export of 1929, less the exports from Alleppey. There ought to be an explanation and it is up to the Government to set it right. That, Sir, is the position.

Then, you should also bear in mind the conditions that were prevailing in the year 1929 in all these countries and compare them to ours. I have already referred to the unfortunate plight in which our planters work in South India. As regards Malaya, you must remember, what was known as the Stephenson scheme, was in operation there, with the result that a large quantity of surplus rubber was left in their hands, and, in 1929, Malaya put into the market for export all the surplus that was in their hands as soon as the Stephenson scheme was cancelled in 1928. Though an abnormally large quantity of rubber was exported, under these circumstances which was obviously above

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her capacity to export ordinarily, by Malaya, a quota has been given for that country based on that export. That was really unfair. Then, again, take Indo-China. To Indo-China the French Government used to give a subsidy and it was on that account that they were producing a large quantity of rubber. This aspect of the question was not considered by the International Committee in fixing the quota for Indo-China. Then, there is one more aspect which ought to have been given due consideration. Certain countries used to have what you call the indentured system of labour ; that is, the planters were bound for the fixed period of the contract to maintain those labourers for the area whether their plantations were tapped or not. It was that obligation to maintain these labourers that made those countries produce and export large quantities, but, I am told, those special conditions under which those countries exported large quantities of rubber have not been taken into consideration in fixing their quotas, I think, that is a legitimate ground of complaint, and ought to be looked into by the International Committee as well as by the Government of India. My Honourable friend, Mr. Bajpai, referred to sub-clause (3) of clause 13 of the Bill, providing that it is the Governor General in Council that shall decide the quota for 1935 and afterwards. But, for that, Sir, I would have opposed this Bill altogether. That removes what I would call the most dangerous portion of the international scheme. I hope Government will work that clause in a generous spirit and avoid all discontent. I appeal to the Government to make an exhaustive inquiry into the conditions of rubber plantation in South India, including the States, and that, without prejudice to the small Indian planter, they will fix the quota every year. Of course the quota for 1934 is fixed ; we have got only four months to run, and it does not matter whether there is a slight increase or a slight decrease for this year. I am anxious that for the coming years India must have her legitimate share ; otherwise the scheme will be of no use to this country. Sir, I feel it my duty to appeal, with all the strength in my command, that Government will also safeguard the interests of the small planters who have not got any course open to them to represent their grievances in the matter.

Before I conclude, I may say that, I have got to make one or two minor observations with reference to the merits of the Bill. I do not wish to take up the time of the House by dealing with them now. I have tabled the necessary amendments, and, when the time comes for moving them, I shall deal with them. Sir, I have great pleasure in supporting the motion before this House. (Applause.)

**Mr. G. S. Bajpai :** Sir, I do not really think that it is necessary for me to say very much. My Honourable friend has put forward four complaints as regards the allocation of the quota to this country. I explained in my original expository remarks that at the time when the agreement was under consideration first, the interests concerned did not bring these defects to light nor did they suggest any special...

**Mr. K. P. Thampan :** May I interrupt my Honourable friend ? Did the Government of India or anybody give sufficient publicity to all these things ? Nothing was done. How then can the ignorant planter understand all these complications ?

**Mr. G. S. Bajpai :** I think my Honourable friend will appreciate the fact that if there is any deficiency in any arrangement which primarily concerns the producer, it is the business of the producer, who I presume is in touch with the conditions of the market, to find out...

**Mr. K. P. Thampan :** I maintain that it is the business of the State—so long as they receive assessments from the producers.

**Mr. G. S. Bajpai :** It is not the business of the State ; my Honourable friend seems to be particularly sore as regards assessments in Madras, but I submit that that is not the point which we are considering now. I was going to say that the position, as far as I can make out, seems to have been this—that the statistics of production, which should form part of the data upon which the quota was based, were, as it now turns out from the investigations carried out by the Licensing Board, appear to have been substantially erroneous. I have already given the House the assurance that in the later investigations which are now going to be made, if it is established to the satisfaction of the Government that redress is necessary, Government will do everything that lies in their power to secure redress for India. As regards the minor matters to which my Honourable friend has referred, I shall deal with them when the time comes.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadan Urban) : On what basis was this quota fixed by the International Committee—because my Honourable friend told us something about how the International Committee proceeded in the matter ? I expected my Honourable friend, Mr. James, to explain the position to the House, but I ask this as my friend has not chosen to speak.

**Mr. G. S. Bajpai :** I gather that the quota was fixed by the International Committee on the basis both of output and of export, practically beginning with the year 1928.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Who supplied those figures ?

**Mr. G. S. Bajpai :** There were two organizations with which the Rubber Growers' Association in London were in touch throughout these negotiations—one was the *ad hoc* committee of the Association of Planters in Burma and the other was an *ad hoc* committee of the South Indian Planters' Association.

**Diwan Bahadur A. Ramaswami Mudaliar :** Did Government give any publicity to this fact—that these negotiations were going on in London—to the planting community in general, apart from the members of these organizations ?

**Mr. G. S. Bajpai :** Sir, Government had the fact of the progress of these negotiations brought to their own notice for the first time in January, 1934, when a deputation consisting of my Honourable friend, Mr. James and another gentleman from Madras, waited upon the Honourable the Commerce Member. At that time it was said that the negotiations were confidential and Government naturally trusted the Association concerned to complete the necessary preliminaries before any producers' agreement was entered into in England ; Government were seized of the necessity of action by themselves only after the producers' agreement had been completed.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 3 stand part of the Bill.”

**Mr. K. P. Thampan** : Sir, I beg to move :

“ That to sub-clause (2) (b) of clause 3 of the Bill, the words ‘ from among the planters that are not members of the United Planters’ Association of South India ’ be added at the end.”

Sir, if my amendment is adopted, the clause will read like this :

“ One member to be nominated by the Government of Madras from among the planters that are not members of the United Planters’ Association of South India.”

Sir, as the clause now stands, it is open to the Government of Madras to appoint anybody they choose. Knowing as I do the Madras Government, they are sure to nominate the Director of Agriculture straightaway. As I said a little while ago, there are a very large number of planters who are not represented in the South Indian Planters’ Association. I understand from my Honourable friend, Mr. James, that one-third of the total acreage in Malabar belongs to that category of planters. I do not know what their number is, but from the statistics you will find that there are 40 such estates in Malabar. Out of these 40, I do not think more than five or six belong to the European planters and the rest are owned by Indian planters who do not even know the benefit of any kind of corporate or team work. I am anxious that the interests of these planters should be safeguarded. According to the terms of the clause, provision is made for the nomination of two members from Travancore, one will be from Cochin and the other will be nominated by the United Planters’ Association of Southern India. The only class which is not represented on this Committee is the small planter who is not a member of the United Planters’ Association of Southern India, and my suggestion is that the Government of Madras, in nominating a member, should confine themselves to this class of persons. A planter who is not a member of the South Indian Planters’ Association ought to be nominated. I want, Sir, that this should be statutorily provided, otherwise there is no chance of the Madras Government doing it. It might be said, that I am making an invidious distinction, but, in the circumstances of the case, such a distinction has got to be made in order to find out a proper remedy. Sir, it is only those who are intimately acquainted with this class of people that know the hardship they have to undergo. I am very anxious that they should be represented on this Committee, and I appeal to the House as well as the Government to see their way to accede to my request.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That to sub-clause (2) (b) of clause 3 of the Bill, the words ‘ from among the planters that are not members of the United Planters’ Association of South India ’ be added at the end.”

**Raja Sir Vasudeva Rajah** (Madras : Landholders) : Sir, I rise to support the amendment.

**Mr. F. E. James** (Madras : European) : Sir, I am myself obliged to oppose this particular amendment on two grounds. My first ground is that I find it difficult, and it has not hitherto been the practice, to tie



[Mr. F. E. James.]

down the nomination of a Local Government to a particular class of persons. My second objection is that the United Planters' Association of Southern India is an organisation which consists of Indian as well as European planters. It also consists of holders of large and small estates. It might well be that amongst its membership you may have a most suitable Indian planter who is a small owner; and, therefore, it seems to me to be a little hard that he should be excluded from any possibility of selection by the Government of Madras. In opposing formally this motion, I would like to make it perfectly clear that we do desire—and I hope that the Government of India will make that point clear in their communication to the Government of Madras—that the nomination of the Government of Madras should be used for the purpose of representing on the Committee the very class of persons whom my Honourable friend, Mr. Thampan, has in mind. We do desire that they should be represented, as they are actually on the existing Licensing Committee. My Honourable friend, Mr. Thampan, may rest assured that the interests of the small Indian planters are very strongly represented and their views are most specifically presented. Therefore, though I am entirely with him in spirit, I must object formally to the amendment which he has moved. If Government are willing, I suggest that they should ask the Government of Madras to use their nomination for the purpose of securing representation from the class of planters which my Honourable friend, Mr. Thampan, has in view.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. Uppi Saheb Bahadur** (West Coast and Nilgiris : Muhammadan) : Sir, I beg to support the amendment. So far as the United Planters' Association of South India is concerned, I do not know whether there is any Member from Malabar to represent the rubber interest of the small rubber estate owners. There are a number of them, and the Government of India propose to leave it to the Madras Government to nominate one from among them. I cannot agree with the reasons given out by my Honourable friend, Mr. James. I do not know the reason why we should not by Statute ask the Madras Government to give representation to such small owners of rubber estates in Malabar. All these things have been done at least so far as Malabar is concerned without consulting the private rubber estate owners. So, I submit, they will have to be represented at least in the Committee. With these words, I support the amendment.

**Mr. G. S. Bajpai** : Sir, I have a good deal of sympathy with the object of the amendment moved by my Honourable friend, Mr. Thampan, and, I think, the class for which he has spoken is a very deserving class and I am quite prepared to pass on his suggestion, with the support of the Government of India, for consideration by the Local Government. But, I regret that I am not able to accept the amendment, because, Sir, as you will observe from sub-clause (2) (b) of clause 3, the idea is that the nomi-

nation shall be made by the Local Government. The Local Government are in the best position to assess the comparative claims of the different interests. My Honourable friend has put forward the claims of one interest. I do not know the local conditions, I do not know whether there are any other interests or not, and I do not think that we would be justified in limiting the discretion of the Local Government in the manner in which my Honourable friend wishes it to be done. That is the reason why I fear I must formally oppose the amendment, though, as I have already said, I view with sympathy the object of the amendment.

**Mr. K. P. Thampan :** I am glad to find that my Honourable friend has accepted the principle of the amendment, if I may say so. I may assure my Honourable friend that there are no other interests, and unless a statutory provision is made, I am afraid the Madras Government may not do justice to these small owners. I, therefore, wish....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot have a right of reply. He cannot make a speech. He can say whether he withdraws his amendment or presses it.

**Mr. K. P. Thampan :** Sir, I press my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That to sub-clause (2) (b) of clause 3 of the Bill, the words ‘ from among the planters that are not members of the United Planters’ Association of South India ’ be added at the end.”

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 to 25 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 26 stand part of the Bill.”

**Mr. K. P. Thampan :** It is no use moving any further amendment. I do not move my amendment.\*

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 26 stand part of the Bill.”

The motion was adopted.

Clause 26 was added to the Bill.

Clauses 27 to 44 were added to the Bill.

Clause 1 was added to the Bill.

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\*\*\* That in clause 26 of the Bill, after the word ‘ person ’ the words ‘ with intent to cultivate rubber ’ be inserted.”

The Title and the Preamble were added to the Bill.

**Mr. G. S. Bajpai :** Sir I beg to move :

“ That the Bill be passed.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill be passed.”

**Mr. F. E. James :** Sir, I should, first of all, like to thank the Government for having undertaken this legislation. As in the case of the tea industry, this is another example of an industry trying to put its house in order on an international scale and asking the respective Governments of the territories concerned to implement, by legislation, an international agreement of producers. Now, Sir, there are one or two observations that I should like to make. First of all I would like to refer to the questions which my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, raised during the course of the discussion, that is, as to the basis on which the export quota was calculated and the steps that were taken to make the proposals of the international agreement known to the producers in this country. First of all, as far as the basic quota was concerned, the international basis was the average exports of 1929 to 1932 *plus* allowances for immature areas. Now, on a strict calculation of the figures covering this period (which included a year wherein the exports from India were the maximum that they have ever been), we arrived at the following figures for India, including Burma :

					Tons.
1934	..	..	..	..	10,600
1935	..	..	..	..	13,000
1936	..	..	..	..	15,300
1937	..	..	..	..	16,400
1938	..	..	..	..	16,700

But, owing to special considerations which were given to Southern India and Burma *ex-gratia*, allowances were added to this figure and the final international basis for the Indian quota worked out at figures which varied between 2,000 tons and 1,600 tons a year more than the figures on which the original calculation was made. The present figures, therefore, are :

					Tons.
1934	..	..	..	..	12,000
1935	..	..	..	..	15,000
1936	..	..	..	..	17,000
1937	..	..	..	..	18,000
1938	..	..	..	..	18,500

I wish to remind the House, and through the House I wish to remind the producers, particularly of Southern India, that in the case of India the *ex-gratia* allowances work out at quite a considerable proportion of the original basic quota arrived at on a calculation of the average figure for the exports of 1929 to 1932.

Now, Sir, as to the way in which these proposals were laid before the industry. There was, at an early date of the negotiations this year,

appointed in South India, after consultation with the Governments of Travancore and Cochin, what was called an *ad hoc* Committee which consisted of representatives of the planting community in all the areas concerned. Two Indian gentlemen from Travancore, who were members of that Committee, represented the smaller producers of the industry. This Committee had the proposals before it, and circulated these proposals to all known estates and to all known owners of estates with a request that by a certain date they would signify their opinion on these proposals. They also said that, if within a certain date, they did not receive any reply, they would take that silence as assent. What was the result? As far as the Madras Presidency is concerned, practically 100 per cent. replied giving their assent. As far as Travancore and Cochin are concerned, the overwhelming majority of the producers agreed,—and when I say “overwhelming majority” I estimate it at a figure of not less than 90 per cent. of the then known acreage. As far as Coorg is concerned again, we had practically 100 per cent. replies in favour of the scheme. Therefore, I think we can claim that the producers as a whole gave their assent to these proposals. Now, Sir, when that has been said, I am bound to admit that there is considerable dissatisfaction in South India on the part of both European and Indian planters in regard to the figures on which these original calculations were made. My Honourable friend, Mr. Thampan, referred to that in his speech. The figures were taken from the Government of India Statistics for 1932. My friend, Mr. Thampan, has pointed out that these statistics, as far as exports are concerned, omitted the exports from Alleppey. The average exports from Alleppey, in the four years in question, amounted to 1,109 tons; and, therefore, if Alleppey had been included, and if that basis had been used as the basis for calculating the basic quota irrespective of the *ex-gratia* allowances, I calculate that the average exports from Indian ports would be 9,579 tons per annum. It may be said that the difference in the figures is not a large one, and, as a matter of fact, that that difference is fully covered by the *ex-gratia* allowances. But, I am quite prepared to admit that even if that is the case, it does not do away with the argument of those who feel that they are getting less than justice; because if these figures had originally been included, the *ex-gratia* allowance would probably have been added to the revised total. The other complaint which the producers in Southern India have is that, as far as acreage is concerned, the figures in the Government Statistics of 1932 are by no means accurate. That is due to a variety of reasons. I do not wish to go into all that. But in the case of some of them it may be that the statistics were out-of-date. In other cases the reason is that the statistics were based upon the figures of land leased out for the purpose of rubber cultivation, whereas during the boom year, particularly in Travancore, a large amount of land, which was not originally leased out for rubber cultivation, was turned into rubber land in order to take advantage of what they hoped would be a boom which would last for many years. Therefore, a great deal of this rubber land is not included in the Travancore statistics. My own information is that the figures of total acreage in South India will not be very far off one lakh of acres. But the House will realise that it is difficult to obtain accurate figures in a short time. Therefore, I can only say that we must await the arrival of the correct figures (which cannot be obtained until mid-September), before going forward to the International Committee through the Government of India with a claim for revision of the basic quota as far as South India is concerned. The

[Mr. F. E. James.]

Licensing Committee has received all kinds of preposterous claims. They have received claims on the part of estates which now no longer exist ; they have received claims on the part of small estates which are absolutely unapproachable, because jungles have overgrown them for many years ; and they have received claims on the part of estates, which, more than seven years ago, were entirely burnt out and turned into cultivation for other purposes. Therefore, Honourable Members will realise that this inquiry must take time. But, provided the door is left open for the approach to be made to the International Committee, through the Government of India, then, I think, the Bill, as it stands, satisfies the needs of the present.

Now, Sir, I would point out that there are a certain number of people who have been using this occasion to make wildly extravagant statements, and through this House I would like to appeal to them to realise what the consequences would be if any step were taken which in fact would jeopardise the International Agreement. My Honourable friend, the sponsor of this Bill, referred to fall in the prices of rubber during recent years, when estate after estate was being closed down, staff was being dismissed, labour was unemployed and even the most wealthy estates were only being kept up on a strict maintenance basis. Now, if this International Agreement were not implemented, either by the Government of India or by the Governments of Travancore and Cochin, there would be a very real danger of the whole scheme being laid aside, and of the industry returning to the naked and ruthless competition of the past which would result in the weakest going to the wall, and in rubber South India and probably Burma going out of existence altogether. Therefore, I do suggest that those who are making at the present moment in some quarters exaggerated claims and exaggerated statements should pause a while before they advocate any method or any step which would have the effect of breaking down this International Agreement. I have only to read one or two figures to show the difference in the position of the rubber industry in India this year as compared with last year as a result of even an anticipation of this agreement. In the months of April and June, 1932, the exports from India were 805,778 pounds with a total value of just over two lakhs. 1933—8,44,000 lbs. with a value of Rs. 2½ lakhs : for the year 1934, which includes only one month of the control scheme, the export was already three million odd lbs. with a total value of Rs. 7½ lakhs—for the four months after the 1st of April. My Honourable friend, Mr. Thampan, mentioned two or three points with which I am in very great sympathy ; but on one matter he was a little inaccurate....

**Mr. K. P. Thampan :** The sympathy will not take any concrete shape !

**Mr. F. E. James :** He stated that as far as the total acreage was concerned in Malabar, it was not fully taken into consideration. As a matter of fact, our figures go to show that as far as Malabar is concerned, and the Madras Presidency generally, the original figures were almost accurate and there has only been a small addition, after exhaustive inquiries, to the original figures, on which we made our calculations. The great trouble is in Travancore and to a less extent in Cochin ; but I am glad to say that, as far as British India is concerned, our statistics seem to be fairly accurate. He also made reference to the fact that other countries seemed to get more out of the agreement than India. I do not

want to go into the details of quotas of other countries : I would only just make two observations. The first is that in an international agreement of this kind, there is bound to be a large amount of give and take, and you cannot absolutely standardise, when you are dealing with other countries, a particular form of agreement or calculation. The second is that the alternative to agreement was disagreement. If certain countries have been treated more favourably than India, surely, as far as India is concerned, the question we have to ask ourselves is this : is the agreement going to do anything for the industry in our country ? As far as the rubber industry in India is concerned, there is no doubt that the agreement, even as it stands without any modification whatsoever, has entirely revolutionised the position of the industry both in South India and in Burma. But having said all that, I would join my Honourable friend, Mr. Thampan, in asking the Government of India to give the fullest consideration to the representations which will no doubt be made by the Travancore Government and by the Cochin Government and by the producers in both those States in regard to the quota figures for South India. It is a very difficult thing to alter an International Agreement once it has been arrived at after months of negotiation. But I do not believe, as some have said, that the door is absolutely closed ; and if our own representative on the International Committee is supplied with the case for the producers in South India, I am quite sure, that with his authority, as representing the Government of India, with the knowledge that he will have, and with the support of the industry behind him, he will be able to make an impression upon his colleagues on that committee. If we can feel satisfied, and I am sure we can after this Bill has been modified in the direction in which my Honourable friend, Mr. Bajpai, mentioned in his speech, leaving the door open to an alteration of the quota, that the Government of India will support a reconsideration of the claim of South India to some modification, I am quite sure that that will go a long way to satisfy those who feel discontented at the present moment. Once more I should like to thank the Honourable Member, for the trouble which the Government have taken to help the producers and to implement the scheme of international control of production in this matter in this country. I trust that the industry, as I believe it will, will benefit not only the producer, but also the revenues of the country.

**Diwan Bahadur A. Ramaswami Mudaliar :** Sir, I should like to offer a very few remarks at this stage of the consideration of the Bill. I am aware of the fact that a scheme of this kind is ultimately for the benefit of the industry concerned, and nobody can doubt that the position of the rubber growers would be infinitely worse if some kind of control was not exercised and if some sort of quota was not fixed ; but the position that some of us have taken in this matter is simply this : that fortunately or unfortunately the transactions of the Conference which was held in London were either not known or not adequately appreciated by many rubber growers in this country, both European and Indian. My Honourable friend, Mr. Bajpai, has said, and my friend, Mr. James, has reinforced the statement, that all known planters or known growers of rubber were communicated with regarding this scheme, and their approval was taken. In fact, Mr. James went so far as to say that 100 per cent. approval came from rubber growers so far as South India was concerned....

**Mr. F. E. James :** I said as far as the Madras Presidency is concerned 100 per cent. as far as Travancore and Cochin is concerned, an overwhelming majority which I placed at about 90 per cent.

**Diwan Bahadur A. Ramaswami Mudaliar :** I accept that statement, but anyhow we have the fact that we have placed before us representations from various rubber growers and planters who have now realised, probably under a better appreciation of the circumstances and a better knowledge of the scheme and all that it implies, that the quotas fixed for this country—for South India, Travancore and Cochin—do not do justice to them. That is the point which I should like to impress on the Government at this stage of the proceedings. I am not one of those who believe that because ten per cent. or five per cent. of the persons interested stand out from this scheme, therefore, the large majority should not be considered and no attempt should be made at regulating these things : there will always be a few cantankerous individuals who will stand out against any attempt to form this sort of agreement ; but that is not the position with which we are concerned. This Bill regulates the quota only for the seven months of this year. It leaves the question open as to whether that quota should be followed up in the next year on the same basis or whether the Government of India should revise their terms. I think what has fallen from Mr. Bajpai and Mr. James amply demonstrates the fact that, at any rate the Government of India have had a case made out for the revision of their quota, and that with that case they should go before the International Conference. I do not know under what terms of this agreement, which has just been placed on the table of the House, the Inter-Governmental agreement—the Government of India can do it. I should like to have from my Honourable friend, the Secretary, a statement as to under what particular clause it will still be open, in order to accept a portion of this agreement, to come before this Governmental Conference and ask for a revision so far as the remaining years are concerned. If I were to reiterate some of the objections that have already been raised by my friend, Mr. Thampan, I trust this House will excuse me, but the importance of the subject and the anxiety of the interests involved over this subject is my excuse for placing these facts before the House.

In the first place, as has so often been pointed out in the course of this debate, it is now well established that the area under cultivation has been largely under-estimated. My friend, Mr. James, suggested that it would be a 1,00,000 acres. My information is that it is nearly 1,50,000 acres : if that is an exaggeration, I am willing to concede it ; but it is nothing like the acreage which the delegates had in view when they came to this agreement at the Inter-Governmental Conference in London. If that is so, one basis at least of these negotiations, and a basis which formed the main consideration in fixing the quotas, goes ; and, therefore, we have to substitute some other basis. I would ask my Honourable friend, Mr. Bajpai, what were the considerations that influenced the Conference in arriving at the quotas, whether it was based on acreage production ; or whether it was on the basis of export trade. My Honourable friend suggested that both these things were taken into consideration. As I have shown, the acreage of production was based on Governmental records, in British India and Indian States, which were notoriously inaccurate. Therefore, so far at least as one basis was concerned, there is at any rate a strong case for revision of this agreement so far as the Government of India are concerned.

Now, take again the basis of exports. My friend, Mr. Thampan, has already pointed out,—and that fact again was attempted to be met by both the Government spokesman and Mr. James when they stated that the export from Alleppey was left out of consideration,—1,300 tons was not a small amount when the total export trade of this country is taken into consideration,—on that basis also there is a case made out for the revision of this agreement. Then, again, Sir, this is one of the instances in which India is treated apart from Burma so far as this agreement is concerned. So far as rubber control is concerned, Burma is already separated from India. I do not know why it was done, and why Burma has had a separate quota granted to it. There is a point in this. If the Burmese quota had been fixed on the same basis as the Indian quota, there would not have been much reason to complain, but it seems to us and to some of those who grow rubber in Southern India that the Burmese quota has been more favourably fixed than the Indian quota, if not in the initial stage in the present year, at any rate in the coming years so far as Inter-Governmental Conferences were concerned.

Taking the export figures alone, I should like to state that the exports from Burma were almost about 2,000 tons less than the exports from India. I have got the figures here. If we include the exports from Alleppey, India sent,—I am now speaking of India, apart from Burma,—

In 1926-27	.. ..	6,688 tons,	whereas	Burma	sent	5,200 tons
„ 1927-28	.. ..	7,230	Do.	Do.	Do.	5,491 „
„ 1928-29	.. ..	7,896	Do.	Do.	Do.	5,217 „
„ 1929-30	.. ..	7,336	Do.	Do.	Do.	5,510 „
„ 1930-31	.. ..	6,953	Do.	Do.	Do.	4,824 „

During the quinquennium period, India sent 36,103 tons, whereas Burma sent 26,242 tons. From this the House will see that the exports from Burma have been consistently 2,000 tons less than those from India,—a difference of 10,000 tons, or, as I said, an average of 2,000 tons less. Now, for the next five years, so far as Burma is concerned, the basic quotas allotted to these two countries are as follows :

	India.	Burma.
In 1934, for the seven months, the quota given to India is	6,850	5,150
In 1935, India is given	8,250	6,750
In 1936	9,000	8,000
In 1937	9,000	9,000
In 1938	9,250	9,250

Now, Sir, I should like to know why this progressive improvement in the quota, so far as Burma is concerned, because it does not correspond to the progressive improvement in the quotas so far as India is concerned, and taking the full five years you will find that while India has a quota of 42,350 tons, Burma has a quota of 38,150 tons, or a difference of less than 5,000 tons, whereas, in the previous quinquennium, Burma was at a disadvantage of 10,000 tons at least so far as India was concerned. Sir, I was saying that I accept the position that acreage should be taken into consideration. Now, according to my friend, Mr. James, himself, there are



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at least 100,000 acres in India proper including Travancore and Cochin States, and we get a quota of 6,850 tons. If you turn to the agreement and turn to Ceylon, you will find that the quota given to Ceylon is about 77,500 tons,—more than 12 times the quota given to India, but the acreage in Ceylon, I understand, is only four lakhs of acres, about four times the acreage of India. I ask, again, those delegates who were parties to this agreement, on what basis they accepted the position that Ceylon which has an acreage of about four lakhs should get twelve times the quota to start with and increasingly larger proportion later on, whereas India should get such a small quota. Now, what is the complaint of some of these industries? In the first place, the quota is so inadequately low that it does a great deal of injustice to them. In the second place, as my friend, Mr. Thampan, has already pointed out, the exports are not reliable, or at any rate, they are not a fair index of the measure of quota that ought to be allotted to each of these countries. My friend has already referred to the fact that in some countries exports were stimulated by grant of allowances by the Governments, by some inducement by the State, and other conditions were also prevalent in some of these various States which made them send larger exports than we did. Now, the acreage of cultivation would have been a far more satisfactory feature. That would have been common to all countries, and if the acreage alone had been taken into consideration, all the accidental circumstances that came to help a certain country to send a larger export in a particular year than other countries would have been avoided. As a matter of fact, the four years that have been taken as an average for this country are unfortunately not a proper period. It might have suited the Federated Malay States to take the four particular years, but it did not suit India, and if you take this average and take all countries on the same basis, you obviously come across an injustice which must necessarily be done to some country or other. In just the previous year which we have escaped, out of these four average years, if you take the exports from India, you will find a million and 62 lakhs pounds were exported from South India in 1928-29. Unfortunately, for our average, just the very next year had been taken, so that if even five years, instead of four years, had been taken, our exports would have been much higher, and we would have had a larger quota. . . . .

**Mr. F. E. James :** May I interrupt my Honourable friend for a minute? Actually the years are the calendar years,—1929, 1930, 1931, 1932, and in the year 1929, India's export was the highest figure reached before or since. So my friend will have to take the calendar year into account.

**Diwan Bahadur A. Ramaswami Mudaliar :** I accept that statement, Sir. My information was that for the fiscal year 1928-29, the imports were the highest—it may be for the calendar year they were the highest. Now, Sir, there is the fact that we in this country who are producers of raw produce are Indians,—I am talking now quite frankly,—and we are suffering from a peculiar handicap with reference to practically every other raw product that we produce. We are not exporters ourselves. We do not know the continental markets; we do not know the United Kingdom market. In a few cases it so happens that the producer himself is also the exporter, but in a number of cases, at any rate in Southern India,—I do not know anything about the conditions in Bombay where big magnates

rule over the commercial world,—but so far as Southern India is concerned, we, who are the producers, must depend upon foreign firms, British or non-British, for the export of all our goods. It is so with regard to groundnut, which is very largely cultivated in Southern India, it is so with reference to tea and coffee. We have to send tea to exporting houses, which are foreign houses, like Volkart Brothers, Rally Brothers, and many other names I can mention,—they are all foreign firms, and they alone have connections with the foreign importer, and through them alone raw produce can be sent. Now, what with regard to rubber ? On the basis of the actual cultivation which is now going on, the Government of India, under a clause of this Bill, are going to fix quotas. My friend, Mr. Thampan, has already referred to the injustice which will happen if the quota is to be on the basis of the actual cultivation now going on. My friend, Mr. James, somewhat quite indignantly pointed out that those, who have given up cultivation during the last few years and put forward extravagant claims, should not have their case considered and would do more harm than good to themselves if they put forward this claim. Now, what is the actual position ? These people were not able to have any place at all in a narrowing and restricting export market. When the export market restricted itself, when it grew too narrow, then those European firms, who were producers and who were also exporters, took advantage of the position and tried to send in what little they could of their own produce. It is, of course, human, it is natural,—I have no complaint against them, because when they could not obtain enough markets for their own produce, they were not going to look round and try to get hold of Indian planters producing rubber to take it as part of their quota also and send it to the restricted market which was available to them. Therefore, for that reason and for that reason alone, during the past few years, many an Indian planter, who had invested his money in a rubber estate and who had spent lakhs or what little wealth he had over it, was obliged practically to close down that estate for the time being. What are you going to do under this Bill ? There is no *moksham*, as we call it in our language in South India, there is no salvation. Mr. Bajpai does not hold out any hope and he has told us that not only now, but for the next five years, and very probably if things continue in the same state as they are now, the restriction will be continued for another period of five years, he cannot think of having any income from his rubber estate, he must close down, turn his attention to the cultivation of some other product. That is the aspect which I want Government to bear in mind. I see that the quotas for each individual estate is to be prescribed by Government, prescribed by rules made by the Government. On what basis are you going to prescribe those quotas ? My Honourable friend may take us into confidence even at this stage and tell us what sort of rules Government have in mind which they will frame so that particular quotas may be allowed to estates. Is it on the basis of acreage ? Then, acreage for what year, acreage for what period ? Is any average to be taken for a certain number of years, or is the figure to be taken for 1932 or 1933 ? Is any consideration going to be given at all for the acreage of cultivation before the period of depression and before the great slump in rubber prices began to occur in 1928 ? That is the anxiety which many an Indian planter feels and it is from that point of view that my Honourable friend, Mr. Thampan, introduced an amendment which at the first blush looked as a racial amendment and which my Honourable friend, Mr. Bajpai, was not able to accept. But I venture to submit that it is not a racial amendment, but it is an amend-

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ment to safeguard the interests of a class of men who may or may not be safeguarded by the organisations which are already in existence.

I have not a word to say about the United Planters' Association of South India. It has done and is doing good work and its representative has tried to safeguard the interests of both members, Indian and European. But there are a class of people who are, perhaps owing to faults of their own, outside this organisation, and it seems to me that, because they are outside this organisation, their interests ought not to be ignored altogether. May I remind my Honourable friend of a provision in the Indian Tea Control Act where it is specifically provided that such representation may be had. There is nothing abnormal in the suggestion which my Honourable friend, Mr. Thampan, put forward. Under the Indian Tea Control Act, there is similarly an Indian Tea Licensing Committee,—the Bill was passed by this House the other day,—and, according to the provisions of this measure, for instance, two members are to be nominated by the Local Government of Assam to represent the tea estates owned by Indians in Assam, one for the Assam valley and the other for the Surma valley. Then, take my own Province. One member is to be nominated by the Local Government of Madras to represent tea estates owned in Southern India by Indians. There is an association of tea planters, both European and Indian, and yet under this Act, the Indian Tea Control Act, it was thought wise and prudent by this House and by the Government and by my Honourable friend, Mr. Bajpai, who championed this Bill in the House, that a provision should exist in the Act whereby an Indian tea planter should be nominated by the Local Government. We have passed that clause now ; it is too late to reopen it, but I venture to convey to Mr. Bajpai and to the Government of India, and through them, if I may, to my own Government in Madras, that they would be well advised to recognise the interests of this set of people who have no representation elsewhere and not to be worried over the idea that it would be racial discrimination if an Indian rubber planter, who is outside the United Planters' Association of South India, is nominated under the provisions of this Bill.

I do not want to take up more time of the House, but I felt it my duty to place before this House and before the Government some of the alarms which are felt by many a rubber grower in South India and in Travancore and in Cochin, both European and Indian—I should like once more to emphasise it, because I have had representations from both sets of cultivators as to how this Act will work and particularly how this system of quotas will work. They want, in the first place, that the quota for India as a whole should be revised at the earliest stage, that is, after the seven months are over, and that representations must be made by the Government of India through such channels as are open to them to this international organisation to revise the quota and fix a more equitable quota so far as India is concerned, and in the next place, when the most important and most difficult duty of framing rules for the allotment of quotas to individual planters is taken into consideration, they want that those rules should be so framed that their condition, present and past, should be taken into consideration and that they secured justice to all planters alike. When there is only a small quota to be divided and there is necessarily a scramble, there is bound to be bad feeling and there is bound to be a sense of injustice in every

quarter, I admit, but make that sense of injustice as small as possible and confined to as few as possible and so frame your rules that everybody will feel that justice has been done to all.

There is one small point which has been brought to my notice. I see that the Controller of the Indian Rubber Licensing Committee, writing to a very respectable planter whose name I do not think I need divulge in this House, says :

“ In order to obtain the license to export rubber, it is necessary for the owner to send me a copy of the invoice showing the price of the rubber ready for shipment as well as the invoice number.....and made out in triplicate.”

I want to know whether, in the fixation of quotas and when the actual export license has to be given, the actual invoices of the orders are to be produced, or whether this quota will be fixed, so that the producers may produce it and send it to any exporting firm in this country. I trust that it will only be the latter course and that no actual order need be shown to this Committee which in its turn will have to take that into consideration. This is a very curious Bill. This will be operative after two other Governments have passed similar Bills, the Travancore and Cochin Governments. I know that the question of quota has been raised in a very acute form in the Travancore Sri Mulam Assembly and that the Travancore Government have promised to consider it. The rules and regulations which have to be made and the appeals which have to be provided for against this Committee's decisions—they will have to come up before three Governments. In the co-ordination of the effort of all these three Governments lies the workability or the practicability of this Bill. On all these points, for instance, in the case of appeals with reference to any decision of the Committee as regards plantations or re-plantations, how far they can be allowed, and in various other matters referred to in this Bill, if the Government of India take one view and the Travancore Government take another view and the Cochin Government take a different view, it would be impossible to work this scheme. I do not know whether I have made myself clear. The Committee is to consist of three representatives from the Indian States and two from British India. It is quite conceivable that the three representatives from Indian States may overrule the decision of the two representatives from British India. Under the various sections where they have been given the power to issue certificates for plantations and re-plantations up to 10 per cent. or 20 per cent., and so on,—the appeal, so far as the Committee in a Travancore plantation is concerned, will be to the Travancore Government. The appeal from a British India plantation will be to the Madras Government and the appeal, so far as a Cochin plantation is concerned, will be to the Cochin Government. Unless there is, apart from the broad basis of agreement, an agreement also as to the details, the circumstances under which these appeals will be received and favourably considered by these three Governments, unless, as I say, there is a close co-ordination of effort and a close co-ordination of ideas on this subject on the part of all the three Governments, it seems to me that this will be a very difficult Bill to work in practice. Therefore, I would suggest to the Government that their task is not finished by merely getting the Cochin and Travancore Governments' consent to the passage of this Bill, but their task will continue throughout,—in drafting their regulations, in drafting their quota allotments and in every other matter, so that the Act may become a workable Act. Sir, I have nothing further to say.

**Mr. W. J. C. Richards** (Burma : European) : Sir, I am glad to find that such criticism, as has been made of this Bill, has been largely on matters of detail, and that there is no question about what this International Agreement attempts to do for the benefit of the rubber industry. It is the result of co-operation between rubber growers in all countries and in which many conflicting views were recognised and met. Dealing first with the details, I will answer, as far as I can, the points that have been brought forward. It is a pity, on this discussion, which affects a not unimportant section of the agricultural community of this great country, a distinction has been made between the big planter and the small planter. Planters' organisations throughout India and Burma consist of members owning from 3,000 acres down to five acres. In Burma, there are 1,500 small planters whose holding do not exceed ten acres. The subscription to the Planters' Association is a quarter of an anna per acre, so they can get all the protection and assistance which the Association can afford for the very small sum of 2½ annas annually. Even if the interests of the Planters' Associations do not run side by side with the small planters who are outside the association, I affirm that their interests are identical, and, in defending and taking care of themselves, the Planters' Association are obliged to take care of others.

There seems to be some confusion as to the basis upon which the quotas have been arranged. The basic exportable quota for the first year is the average of the exports for four years. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, introduced a comparison between India and Burma and sought to show that Burma had been treated more liberally than India. He will find on a re-examination of the figures that with the exception of exports from Alleppey, which, I understand from Mr. James, have been omitted, the basis on which the quota of India and Burma have been fixed is exactly the same. There is another mistake which has crept in, and that is that exports from the Andaman Islands were not included. As my friend Mr. James, said, give and take is the only way in which arrangements of this kind can be worked. Although the Andamans is the concern of the Government of India, the Burma Licensing Committee has accepted responsibility for the requirements of the Andamans and licenses will be given from the Burma quota. That is the spirit which permeates this International Agreement, the spirit which extends outside this country and goes through all the countries which are parties to it.

Regarding the acreages, they are based on a little blue book I saw in the hands of my friend, Mr. Thampan, this morning. It is called Indian Rubber Statistics, and, as far as I remember, in the introduction it is stated that these statistics are compiled from the figures which have been supplied by planters themselves. In dealing with the matter before Lunch, my Honourable friend, Mr. Bajpai, stated that the planters themselves have supplied these figures and they are responsible for them. That I do not challenge, but for the guidance of Government, in future, I would suggest they revise their method of collecting these statistics. They send requests to all rubber planters, among whom are a number of poor and perhaps ignorant people, for particulars of production last year, stocks in hand, the number of labourers employed, and so on. It comes along in an envelope marked O. H. M. S. and inside is a buff coloured paper which the planter immediately tears, thinking it is a tax-paper which it so much

resembles. As a result, the figures in the blue book do not include the acreage of a certain number of small estates. I believe the omission is more serious in Burma than in India, but, in looking through the annual additions to the 1934 basic quota for immature areas, I find that, of all the countries which are parties to this agreement, the proportionate increase in the quotas is greater in India and Burma than anywhere else. Whatever omissions have been made have undoubtedly been provided for and it is impossible to resist the opinion that India and Burma were not without friends when the basic quotas were decided.

**Diwan Bahadur A. Ramaswami Mudaliar :** Can you explain why if India starts on a greater export allowance, it should end on equality with Burma ?

**Mr. W. J. C. Richards :** It is because the immature areas in Burma are greater than in India.

**Mr. K. P. Thampan :** Who said so ?

**Mr. W. J. C. Richards :** I say so, and the statistics when corrected will prove it.

**Mr. K. P. Thampan :** I say the contrary. I am right and you are wrong.

**Mr. W. J. C. Richards :** Mr. Thampan this morning used that word with which we are so familiar—grievance. I cannot agree that anybody in this country has got a grievance in respect of this Bill. Since it became fairly clear that this International Agreement would be achieved, the price of rubber has improved from 2d to 7½d a pound. That is the kind of grievance an unsympathetic Government may inflict upon its subjects without any voice being heard in protest.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

No proposal for the rehabilitation of any section of the world's unbalanced economic structure has been so generally commended. Surely we will not let it be said that India proved obstinate. I think, it would be the height of folly, if India took up a position which tended to upset what has already been achieved. May I remind the House that on the International Rubber Regulation Committee there are a number of representatives of consumers as well as of producers. This regulation is one which is calculated to benefit producers and consumers alone. In the past, manufacturers, who use rubber for their raw material, have encountered immense difficulties and suffered heavy losses owing to violent fluctuations in the price of rubber. Consumers are not going to allow this International Agreement to be upset, simply because a small number of people in India want to get more than what is fairly due to them. In such a case, it is not unreasonable to suppose that consumers would consider whether they would buy rubber from India and Burma.

Not only is this agreement a matter of importance to planters, but it is one of considerable general interest at a time when the regulation of out-put and the restriction of exports is put forward as the remedy for many of the economic ills from which the world is at present suffering. This is essentially an agricultural Bill, and, as it is sponsored by the Gov-

[Mr. W. J. C. Richards.]

ernment to encourage one to hope that before the Session is over, an announcement will be made from the Government Benches that arrangements have been made for protecting that greater branch of agriculture in this country, namely, paddy and rice, before its position becomes vulnerable again at the end of the year. There are about 4,000 small planters engaged in the rubber industry in Burma and India and for three years up till the time it was reasonably certain that this International Agreement would be signed, these small planters were in dire distress. Although the records of the period of low prices show that in bad times the working costs of big and small estates can be forced down for a time to any low levels, they also show that the hardships imposed by very low prices forced the small cultivators out of production. They were unable to make a living on their plantations, they were faced with the loss of their capital. They lost hope, abandoned their plantations, and went elsewhere in search of a precarious living. This Bill gives reasonable hope that the small planter, for a number of years, will be able to live on the fruits of his labour, and it encourages the investor to think that for a time, at any rate for the duration of this agreement, he will have a reasonable return on his money. It is a Bill which I feel certain will be accepted by this Assembly to enable India and Burma to take their place in the biggest scheme of co-operation between producers and consumers which has so far been formulated to restore equilibrium of supply and demand in any important world commodity. (Applause.)

**Mr. B. Das** (Orissa Division : Non-Muhammadian) : Sir, I would not have risen to speak, but I am afraid I must make an accusation against the Honourable the Secretary of the Department of Education for his laying this International Agreement on the table just before the Third Reading of the Bill. Sir, this is a serious charge, that Government appears to have something to conceal and they do not supply such a document earlier, so that Honourable Members of the House may not read the same and criticise it. The only point that I rise to speak upon, is the constitutional aspect ; that is, the underlying principle of this so-called International Agreement. Sir, if these are what International Agreements come to, then I wish there should be no more International Agreements inspired, as in this case, by a few planters of South India and Burma. Sir, I cannot understand how a servant of the Government of India, the High Commissioner for India, could have dissected India into two parts, India and Burma, and, in the end, he came to adopt the theory that India must be bisected and Burma and India can grow rubber in equal quantities. Sir, as all of us are aware, the Burma-European representatives were at one time most anxious that Burma should be separated, but Mr. Harper, the representative of Burma Europeans before the Joint Committee, after giving his evidence, found out the real truth and the Burma Europeans are not anxious for separation now. For my part, I have spoken at Congress meetings, outside this Chamber and in this Chamber. Let Burma be separated, but not at the cost of India. And, here, the representative of the Government of India has gone to the extent of accepting an international document wherein he places Burma and India as being two territories, two independent countries. Sir, this is an unpardonable thing, but we cannot expect anything better from the Government as they are at present constituted. Let them separate Burma, let them say whatever

they like, but let them take note of the present constitutional position and not raise such a mischievous issue in such a way.....

**Mr. G. S. Bajpai :** May I draw my Honourable friend's attention to the fact that the agreement has been signed on behalf of India—not separately on behalf of India and Burma ?

**Mr. B. Das :** My Honourable friend thinks that I have had only twenty minutes to read the document and I have not read the whole document. I have seen that Sir Bhupendra Mitra did sign on behalf of India which includes Burma, but, I say, Sir Bhupendra Mitra committed the crime of separating India and Burma when Burma is not yet separated. (Laughter.) The High Commissioner for India, of course, acted under the instructions presumably of the Government of India. Then, Sir, Sir B. N. Mitra did make certain reservations, "subject to reservations annexed about the Indian States". He said :

"The accession of the Government of India is subject to the agreement and co-operation of the rubber-producing Indian States in India, in whose area, the Government of India have no power to maintain or enforce the restrictions."

Sir, I was not present to hear the speech of my Honourable friend. Mr. Bajpai, but he mentioned, as I understand from my Honourable friend, Mr. Thampan, that the States of Travancore and Cochin had agreed to give effect to this restriction. I do not know how the Government of India were able to persuade the States of Travancore and Cochin in this matter, because, I know the Government of India are so lethargic in other matters, for instance, they have not been able to persuade the Indian States to accept and ratify other International Conventions that emanated from Geneva, and which are more humanising and which will do greater good to greater number of people in those States. But, Sir, if the States have done it, they have done harm to their own people, and, Sir, though it is of some interest to the South Indian planter, which is represented by my Honourable friend, Mr. James, here, to the poor Indian planter whose spokesmen here are my Honourable friends, Mr. Thampan and Diwan Bahadur Ramaswami Mudaliar, Sir, this is an injustice. For my part, the Government of India ought not to have brought forward such a Bill. Sir, when the Ottawa Agreement came, everybody thought that a new heaven had come for the industries, but, thereafter, my friends the tea planters at once went into International Agreements for restricting their production ! Sir, if everything was to be restricted, what was the necessity of these Imperial Conferences to bring so-called preference to India ? If my friends, the tea planters of Assam, could pride themselves upon the Ottawa Agreement, why did they enter into this agreement over restriction of production thereafter ? And this restriction of rubber cultivation is another instance—and there may be many instances of many things in the archives of the different Departments of the Government of India which may not see the light of day till this Session is over, but which they probably intend to give out more and more in the near future. Sir, for all these reasons I oppose the main principle of this Bill, and I oppose the vicious idea that Burma should be mentioned as a territory and as a country, whereas Burma is only one of the nine Provinces of India and ought not to get more than one-ninth preference in any matter.

**Mr. G. S. Bajpai :** Sir, when I moved that this Bill be passed, I certainly was not expecting that a storm would suddenly blow up at



[Mr. G. S. Bajpai.]

this rather belated stage of our discussions. However, when my Honourable friend, Mr. B. Das, played his characteristic part of the stormy petrel of this House, it is not at all to be wondered at that this has happened. Sir, I do not propose myself to emulate either the heat or the passion of the speaker who spoke last or to digress from the main points which, according to my hearing of the debate, actually emerge in the course of this stage of the discussion ; but, before I proceed to these three or four points, I should like to express my regret to the House that copies of the International Agreement should not have been in the hands of Honourable Members earlier. Sir, the explanation of that is simple. I was, as a matter of fact, in joint partnership, and a minor partner, in regard to this Bill, with the Honourable the Leader of the House, he being responsible as it were for the sections dealing with export quotas and so on, and my personal responsibility being limited to the very minor portion dealing with the restriction of cultivation. It was only when I heard that the Honourable the Leader of the House might not, for reasons of indisposition, be able to be present in the House today that I assumed the responsibility for it and, actually, on Friday morning, I suggested to the Commerce Department that if the agreement had not been already circulated, it should be circulated. Again, Sir, I express regret that this elementary precaution was not taken earlier, but I do hope that, inasmuch as the Bill, which gives effect to the agreement practically *verbatim*, has been in the hands of Honourable Members for some days, the delay in the distribution of the agreement has not materially handicapped Honourable Members in the appreciation of this problem.

Now, Sir, I deal, first of all, with the main question which has been raised, namely, the question of the equity or otherwise of the quota which has been allocated to India. My Honourable friend, Mr. James, explained the genesis of the figures which are embodied in the agreement. He said that these figures had been arrived at on the basis of exports during a period of years beginning with 1929. Now, Sir, I said in the course of my opening remarks—and I repeat that statement—that, in my opinion, the acreage of the rubber in the different countries or, at any rate, so far as India is concerned, in India should have been taken into account when this particular question was considered. And, again,—and this is also my personal opinion—the fact that substantial discrepancy has been disclosed between the figures which were present before the Committee at the time when they considered this and the figures which have been divulged since the investigation of the Committee in South India began would, *prima facie*, be a case for representations to the International Committee. (Applause.) My Honourable friends will admit that immediately, or now, we cannot go and make those representations, for the simple reason that the evidence upon which we intend to base those representations is not yet complete ; but when that evidence is complete, my Honourable friend may take it from me that Government will take into account the evidence which is newly brought to light and all other relevant factors, and then, as I have already said, take such action as they can to ensure that India's treatment is equitable treatment.

Now, Sir, my Honourable friend asked which particular clause of the agreement would enable the Committee to take up this matter.

If he will turn to sub-clause (j) of Article 15 of the Agreement, he will find that the Committee is entitled, *inter alia*, to make such other recommendations to Governments, relevant to the subject-matter of this Agreement, as may seem desirable. It is at the bottom of page 6 of the text of the Agreement which has been circulated to Honourable Members, I believe, today. Now, Sir, that is, to my mind, the relevant provision of the Agreement in so far as initiative by the International Committee is concerned. But I would also draw my Honourable friend's attention to the fact that the Government of India have accepted this Agreement subject, *inter alia*, to the reservation that the co-operation of the Indian States, which are producing units, is forthcoming. Now, I explained in the course of my opening remarks today that Travancore, an Indian State, happens to be the area where the discrepancy is the largest. I need not point the inference. It would be quite clear to the House that if Travancore feels that it is not being fairly treated, it is free to make representations to the Government of India and we can utilise their representations to persuade the other Governments concerned, if our case is a strong one, to reconsider the matter. Now, Sir, the second point which my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, had made was as to the method by which the quotas are to be allocated amongst individual States. In that connection, I want to draw the attention of the Honourable Members to the Government of India (Commerce Department) Resolution No. 39, dated the 26th of May, 1934, and, at the risk of detaining the House with a dull recital of that Resolution, I would venture to tell my Honourable friend what that Resolution contains. Paragraph 8 of the Resolution says :

"The quota for each estate shall be based on the 'crop basis of the estate', that is, the accepted maximum production of that estate in any one of the six years, 1928, 1929, 1930, 1931, 1932 and 1933, with the addition of an allowance for young rubber or untapped mature rubber or rubber for which authenticated figures of yield are not available on the scale set forth in the Schedule annexed hereto."

I do not think it is necessary for me to go through the Schedule, but I can tell my Honourable friends that the Schedule makes a fairly generous allowance in this behalf. Then, again, in regard to each particular area, we get on further and find that paragraph 9 of the Resolution says :

"The quota of each estate shall bear the same ratio to the crop basis of that estate as the permissible exportable amount bears to the total of the crop bases of all rubber estates in India (excluding Burma)."

So that, so far as that particular question is concerned, we have actually gone beyond the basis used by the negotiators of the International Agreement in regard to the allocation of export quotas. They began with 1929 and ended with 1932, whereas we have actually gone back to 1928. Now, my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, used a rather significant phrase. In the course of his speech he referred to a narrowing and contracting market. Now, Sir, it is inherent in a scheme of this kind that there should be a restriction of exports which, in other words, means a restriction of the market for the purpose of raising prices. I think he will agree with me that in a restricted market like that, the smaller producers, as it were, cannot expect to get more than what might be called fairly

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generous treatment. In other words, those who, by reason of the depression, had been exporting little in the earlier years should not take advantage or could not logically take advantage of a restricted market in order to export more than they had ever exported before. But, at the same time, I recognise that inasmuch as they happened to be working at what you might call below the subsistence line, they need more generous treatment than those who were well established financially before. That was the principle on which the Government of India proceeded in regard to the Tea Restriction Act and that, again, is the principle which the Government of India intend to observe in regard to this particular measure. Sir, the third point which my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, made, was in regard to the representation of Indian planters in South India. He drew my attention to the provisions of the Tea Control Act in this respect. If I may say so, the objection which I took to my Honourable friend, Mr. Thampan's amendment, was not on the ground that it was a racial amendment. I never said that. On the contrary, I said at once, that the smaller interests for whom he was speaking deserved consideration and, if it was possible, their representation on the Committee should be arranged. The point that I took was a constitutional one, namely, that the Bill left it to the Local Government to provide for nomination and we should not limit their discretion. Now, I need not remind my Honourable friend that last Session, when I was asking this House, in deference to the wishes expressed by certain non-official Members of the House, that the Governor General in Council shall be given powers of supervision in regard to rules framed by Local Governments in regard to sugar-cane, my Honourable friend, being the champion that he is of provincial rights, rose in his seat and said: "You shall do nothing of the kind." I was naturally reluctant to bring the Government phalanx either for or against the amendment and he managed to take the majority of non-official Members into the Opposition, thus defeating the amendment. Surely, in respecting the powers of the Local Governments I was acting in conformity with the principles of which he is such a stout champion. In the circumstances, I submit that that is hardly an object of reproach so far as my attitude in regard to that matter is concerned. But let me repeat what I said when I was dealing with Mr. Thampan's amendment. I said that the cause for which he has been speaking and the interests for which he has been speaking are deserving interest and we propose to convey to the Government of Madras the suggestion that has been made and the expression of our hope that, when they make the nomination, these interests will be given very careful and, let us hope, very sympathetic consideration.

Now, Sir, the last point which my Honourable friend, Mr. Mudaliar, made, was in regard to co-ordination. He drew attention to the constitutionally somewhat heterogeneous position of the Licensing Committees and said:

"How is the Governor General in Council going to ensure that these people behave properly, and that the interests or the principles according to which they decide are not Indian States versus British Indian but the common interests of the industry as a whole."

In regard to that, I would invite the attention of my Honourable friend to the power of control by the Governor General in Council in sub-clause (i) of clause 7 of the Bill which says :

“ All acts of the Committee ”;

—the saving clause is only in regard to applications for planting,—

“ All acts of the Committee shall be subject to the control of the Governor General in Council, who may cancel, suspend or modify as he thinks fit any such act.”

Well, I think, Sir, with that kind of sword of Damocles hanging over their heads, it is hardly likely that the Committee would go and run amuck. However, the point which my Honourable friend has made is an important point and the Government of India will see whether anything further is necessary in order to ensure that the Committee act in a spirit, as he says, of harmony rather than of pure sectional interests, of one part of India or the other.

Now, Sir, although it is not strictly speaking germane to the discussion on this Bill, I do not think that I can let what has been said in regard to the separation of Burma pass without some comment. I think it has been suggested that there has been some sinister move both on the part of those who negotiated this agreement and on the part of the Government of India to anticipate the decision of the Joint Parliamentary Committee in regard to the separation of Burma. Sir, I personally have been associated with these negotiations for nearly four or five months, and, I can assure the House that certainly nothing was further from the mind of the Government of India than to anticipate in any way the decision in regard to the separation of Burma. As I tried to explain in the course of my remarks this morning, we were faced not with any act of Government but with an act of God, the geographical separation of Burma from India. You cannot run the administration of an Act which deals *inter alia* with the regulation of cultivation of rubber by a centralised committee for the whole of India including Burma with its headquarters, shall we say, in Calcutta or Madras. It cannot be done. That is the reason why we decided that there should be separate committees for Burma and for India. Again, I would say that if what I have said has not sufficiently convinced my Honourable friends, they may turn to sub-clause (i) of clause 7 which I have quoted, namely, that the power of revision, supervision and control rests with the Governor General in Council as effectively and as fully in regard to the committee which operates in Burma as it does in regard to the committee which is operating in India. That, to my mind, is a complete negation of the suggestion that we have in any way been anticipating the decision with regard to the separation of Burma.

I think I have endeavoured to deal with all the points which have been made in the course of this discussion, and, on the whole, I think I am justified in saying that the House accepts the principle of the Bill and recognises that it is a measure which in modern economic conditions is calculated to further the interests of the industry concerned. I hope that in the realisation of the validity of that principle, the House will pass this Bill. (Applause.)

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The question is :

“ That the Bill to provide for the control of the export from and import into India of rubber and for the control of the extension of the cultivation of rubber in British India, be passed.”

The motion was adopted.

### THE INDIAN INCOME-TAX (AMENDMENT) BILL.

**The Honourable Sir James Grigg (Finance Member) :** Sir, I beg to move :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration.”

Sir, this is a very technical matter but I shall try and make the purpose of the Bill clear to the House in a very few words. I would have been a little more confident of my ability to do so if I had been allowed to have a black-board and the use of a few “x”s and “y”s. However, I will do my best without such extraneous aids. The necessity for the Bill arises from a flaw in the drafting of the Dominion Income Tax relief section in the Indian Income-tax Act. The basis of the scheme for the relief of double Income-tax within the Empire is that double taxed concerns or individuals shall be relieved of the lower of the two rates of tax and that the two taxing authorities should give relief which in the aggregate should amount to the lower of the two rates of tax. Now, Great Britain guaranteed, whatever the rate of tax in the Dominion, always to give half her own rate of tax. In the Indian Income-tax Act, it was provided that India should give the difference between the Indian rate and half the English rate, or half the Indian rate whichever was lower. Now, that was all very well so long as the Indian rate was practically throughout its range lower than the English rate. But with the reduction of the English standard rate from five shillings to 4s. 6d. over quite a considerable range of the Indian Income-tax, the Indian rate is now higher than the English rate. Let me just interpolate here by saying that, although I said it was over a considerable range of Indian Income-tax, that range applies almost entirely to companies. It can apply to very few cases of individuals, and, I think, for my present purpose, we can leave out of account the question of individuals altogether. Now, if the amount of relief given by India is the lesser of the two amounts, one of which is the full Indian rate less half the English rate and the other half the Indian rate, in present circumstances and over the range which I have indicated half the Indian rate is the operative amount. Therefore, the total relief given by Great Britain and India together is half the sum of the two rates. Now, half the sum of the two rates must always be greater than the lower of the two rates. That means that India is giving more relief than is required to carry out the intentions of the original scheme which is to give relief from the lower of the two rates and not from half the sum of the two rates. I am not too confident that I have succeeded in making this clear to the House.

**Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) :** Will the Honourable Member use “x” and “y” ?

**The Honourable Sir James Grigg :** Yes, I shall do so. Let the British rate be "x" and Indian rate be "y". Great Britain always contracts to give relief amounting to  $x/2$ . The present Indian Income-tax provides that there shall be given as complimentary relief either  $y-x/2$  or  $y/2$  whichever is less. For our present purpose  $y/2$  is always less. Therefore, the total relief given by both countries is :  $\frac{x+y}{2}$ , and  $\frac{x+y}{2}$  must be greater than the lower of the two rates.

The only other thing I wish to add is that this flaw in the drafting of the Indian Income-tax Act was brought to light as a consequence of the reduction of the British standard rate. The amount that it means to the revenue of India is about eight lakhs, and clearly eight lakhs is a sum which one cannot forego in the present circumstances. It is, as I said at the start, only our intention to remedy the existing flaw. It is not a Bill of pains and penalties. We merely provide that doubly taxed concerns shall in no circumstances pay less than if they were entirely operating in India and entirely subject to the Indian fiscal machine.

Sir, that is all that I have got to say. If any other questions arise  
4 P.M. I will do my best to deal with them at a later stage, but I think I have sufficiently explained the general purpose of the Bill.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Motion moved :

"That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration."

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : May I ask the Honourable Member just one question ? He referred to individuals. I take it from him that this change in the Act will in practice not affect individuals at all.

**The Honourable Sir James Grigg :** No, Sir ; I said it would affect very few individuals and I cannot say with certainty that there will be no individuals whom it will affect, because, I believe, there is a certain range of individual incomes in India at the very top of the scale,—I think incomes above 20 lakhs a year, which I imagine are pretty rare—which might be affected by the Bill.

**Sir Cowasji Jehangir :** But the income-tax on incomes of 20 lakhs a year is higher in England today than it is in India.

**The Honourable Sir James Grigg :** My information is to the contrary, that in the case of individual incomes of more than 20 lakhs, the Indian income-tax is at present higher than the English income-tax after the recent reduction of the standard rate.

**Sir Cowasji Jehangir :** Including the super-tax ?

**The Honourable Sir James Grigg :** Yes, Sir.

**Mr. F. E. James** (Madras : European) : Sir, this is an extremely simple Bill which the Honourable the Finance Member has explained with commendable clarity ! As far as I understand it the position is this : that now that in certain cases the rate in the United Kingdom is less than the rate in India owing to the recent reduction of the tax in the United Kingdom, a person or company in such cases may actually, on obtaining relief in India under this provision, pay at a rate which is less than the highest rate in either country. I understand also that Government claim that

[Mr. F. E. James.]

while section 49 in the Income-tax Act as it stands safeguards a person against having to pay at a rate greater than the highest rate in either country, it was never intended that he should have such relief at any time as would enable him to pay at a rate lower than the highest in either country.

**The Honourable Sir James Grigg :** I might interrupt the Honourable Member for a minute, only because his use of the words "highest rate" is a little ambiguous. The highest rate in Great Britain and in England is 10 or 11 annas in the rupee. If he substitutes for "highest rate", "the higher of the two rates", then his statement is correct. I imagine that is what he means.

**Mr. F. E. James :** I accept the correction ; it is not only more accurate but it is better grammar. In other words, a person who has obtained refunds both in the United Kingdom and in India should not, in the view of Government, be placed in a better position than the person who is being taxed singly at the higher rate. I gather that is the position. Now, Sir, the Honourable the Finance Member did not explain one matter which I cannot but help bringing to his notice. His explanation is that this position has been arrived at since 1st April this year on account of the fact that the finances of the British Government have been so well-managed in recent years that they are able to reduce their income-tax rates. Now, the Honourable the Finance Member was very careful to conceal this very important fact, that had it not been for the surcharge on income-tax in this country, even today these rates would not have been higher than the rates in the United Kingdom. And although on principle we cannot object to this particular Bill, we should not be human nor should we be consistent with the policy we have laid down in Budget Session after Budget Session, if we did not take this opportunity of calling the attention of the Finance Member to the urgent necessity of doing away with the surcharges altogether. I hesitate, since this morning certain questions passed between the Finance Member and my Honourable friend, Mr. Neogy, to quote his predecessor in office ; but, I am constrained to call his attention to a paragraph in his speech on the Budget on the 27th February, 1934.

**The Honourable Sir James Grigg :** I have read it.

**Mr. F. E. James :** I have no doubt my Honourable friend has read it, but it contains several hundred paragraphs, and perhaps it would be better to draw his attention to this particular paragraph once more :

"In our proposals we are providing fairly for all the needs that can be foreseen. We seem to have touched the bottom, and if the tendencies which have recently been apparent continue, there is a good hope"

—and I would ask the Finance Member to mark these words—

"that there will be a margin next year large enough not only for the restoration of the cuts in pay but for the relaxation of other burdens."

I think I shall be receiving the support of every section of the House when I say that our interpretation of the meaning of the words "relaxation of other burdens" is, first, the removal of the surcharges on income-tax, and second, the removal of the surcharges on customs duties. I am not asking my Honourable friend to anticipate his Budget Speech of next year, but I am asking him to remember that if we accept with good grace this Bill which means that companies will not be entitled to refunds on the

scale which they hoped to be entitled to this year, we do so in the hope that next year he will be able to take some step towards the realisation of the hope which was expressed by his predecessor.

I will make only one other observation to strengthen my point. He has spoken in his speech of an error in drafting clause 49 of the Income-tax Act. I am not quite so sure as to whether it was really an error in drafting. At the time when the clause was put in the Act and at the time the clause was drafted, not only was there never in the contemplation of anyone that the rates of income-tax in this country would, in any instance, be greater than the rates of income-tax in the United Kingdom, but there was mild surprise expressed by a commentator on the Act, in those days, that the rate in India was actually a little more than half the rate in the United Kingdom ! Therefore, I suggest, that this clause was not drafted badly, but was simply drafted on the assumption that we should never have to pay in this country at a rate of income-tax which the inhabitants of the United Kingdom have to bear. However, Sir, now that I have "said my piece" and I have called the attention of the Finance Member to the real cause of this Bill, which is the imposition of the surcharges, I hope he will do everything he can, at the time of the next Budget, to bring in a popular measure including the abolition of the surcharge on income-tax, the restoration of the cuts, and a reduction of the surcharges on revenue duties, which, I know, is an object which he has greatly at heart.

**Sir Cowasji Jehangir :** Sir, I should like to congratulate Mr. James and the Members of the European Group on the way they have received this Bill and supported it, for it is a well-known fact that this Bill affects European firms much more than it affects Indian firms. I will go so far as to say that most probably it affects 99 per cent of English firms and one per cent. of Indian firms. And although to them an eight lakhs increase may be a trifling amount (*Mr. F. E. James* : "No, no."), we still congratulate them on the way they have received this Bill. But it does make one reflect when Government find it necessary to introduce a Bill due to the income-tax in this country being higher than the income-tax in England, even if it be for one single class of persons or companies. What have we come to ? We, a poor country like India, with teeming millions of people who are said to be half-fed, we today are paying a higher income-tax than the richest country in the world. That is a point on which Government should also reflect, and since the Honourable the Finance Member comes fresh from the richest country in the world, perhaps he will help us in trying to convey to his countrymen in England a correct appreciation of the way in which we are taxed. I have been told in England, over and over again, that India is taxed very lightly so far as income-tax is concerned as compared to England. I do not know how often we were told during the last four or five years how lucky we were as compared to England. May I ask the Finance Member when he sends his confidential communications to his Government of which he is a servant, to convey to them the glad news that England is today paying less income-tax on companies than India is, and correct the impression in the mind of many well-informed Englishmen that we are very lightly taxed ; and, may I echo the hope expressed by Mr. James that a time may come and that too very soon when the example set by the Chancellor of the Exchequer in England will be followed by our Indian Government with the approval of the Secretary



[Sir Cowasji Jehangir.]

of State, and that he will be able to announce very soon a little less burden on the suffering millions of this country ; and may I ask him to remember that today, people who earn only Rs. 84½ a month are paying income-tax which they have not done for years and years. It is time that those people got a substantial relief and the first thing that the Government of India ought to do should be to give relief to the lower middle classes whom they have taxed—I will not say mercilessly, but most unexpectedly—at a time of depression and at a time when they feel the depression more than anybody else.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I have been at pains to understand the meaning of the two simple clauses in this Bill, and, I think, I am now in a position to do so after the explanation given by the Honourable the Finance Member. I dare say, I have not got the same facility, as my friend has got, but I felt the need of a blackboard and chalk just as much as my friend did. I have tried to find out a formula. In the British Finance Act of 1920, it is said that the rate at which the relief is to be given shall be one-half of the appropriate rate of the United Kingdom tax. Suppose the appropriate rate is “ U ”—I shall put U for the United Kingdom and “ I ” for Indian income-tax. He is then entitled to have relief only to half that amount, that is  $U/2$  : if he comes to India, then he can get relief equal to “ I ” minus  $U/2$ . That is the existing Act. But the amendment proposed is this : he will get relief equivalent to half divided by U, that is, half the United Kingdom rate.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

But there is a case which I hope he will remember : he has assumed all the time that the Indian rate is greater than the United Kingdom rate. What will happen if the Indian rate becomes less than the United Kingdom rate ? Then the rebate to be given becomes *minus*, that is, something will have to be refunded—the equivalent of “ I ” minus  $U/2$  : and if “ I ” is less than  $U/2$ , then, instead of giving them rebate, you will have to take some more money from them. Instead of assistance, you will have to fine the assessee.

**The Honourable Sir James Grigg** : Sir, may I at once correct a misapprehension which appeared in the, shall I say, faintly acid remarks of Sir Cowasji Jehangir ? He referred to the Government of which I am a servant. As regards that, he seemed to be under the misapprehension that I am still a servant of the English Government. I am not. I am a servant of the Indian Government.

**Sir Cowasji Jehangir** : No ; the constitutional position is otherwise.

**The Honourable Sir James Grigg** : That is irrelevant : I am a servant of the Government of India and not of the English Government ; and, so long as I am here, I shall continue to serve the Government of India and not the Government of the United Kingdom. (Cheers.) The rest of his remarks on the terrible weight of taxation in India I can more appropriately deal with when I come to the remarks of my Honourable friend, Mr. James ; and, may I at once express my gratitude to Mr. James for the spirit in which he has accepted this extremely unpleasant piece of

legislation, because as Sir Cowasji Jehangir has pointed out, practically the whole of the damage of this proposed legislation will fall on English concerns operating in India? When he went on to refer to my predecessor and referred to the little contretemps which occurred this morning, he gave me an opportunity to clear up a little the position which I may have in some doubt this morning in my interchanges with Mr. Neogy. As far as the opinions of my predecessor are concerned, I regard myself as fully at liberty to differ from him. As far as he gave pledges, subject to the exception of the slight slip up for which I apologised this morning, I regard myself as bound by them.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Do I understand my Honourable friend to say that he sticks to the opinions expressed by his predecessor?

**The Honourable Sir James Grigg** : No, no, I stick to my own opinions. So far as the pledges of my predecessor are concerned, errors and omissions excepted, I intend fully to carry them out. Mr. James read the concluding paragraph of my predecessor's last Budget speech in which he expressed certain opinions. I am not yet in a position to say whether I agree with those opinions. His may be an optimistic forecast as to the condition of Indian finances, which I am not yet in a position either to deny or to affirm, but either in that same Budget speech or in a previous one, my predecessor gave the most categorical pledge, which was that when sufficient money was available, the surplus should be devoted first to the restoration of the pay, and secondly to the removal of the surcharge on income-tax. Now, that is quite a categorical pledge. It may be a very embarrassing one as time goes on, but I regard myself as being bound by his pledge, but, as I have said already, not by his opinions.

**Sir Cowasji Jehangir** : Sir, I want to make a personal explanation. I said that the Honourable the Finance Member was a servant of the British Government. Constitutionally he is a servant of the British Government, just as much as every Honourable Member on the Opposite Benches is. Constitutionally he is not responsible to this House; he is responsible to the Secretary of State, who is responsible to Parliament. We all trust and hope that when they are on the Government Benches, they will serve India just as much as the Secretary of State will, but that does not change the constitutional position that my friend is not a servant of India, he is a servant of the British Government and a servant of Parliament, and he is only responsible to them.

**Mr. F. E. James** : Why split hairs?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir James Grigg** : Sir, I beg to move :

“ That the Bill be passed.”

[Sir James Grigg.]

After the illuminating discussion we have just had, I do not think it is necessary for me to go into any further technical details.

As regards what Sir Cowasji has just said, I am quite content to leave him to his disquisition on the constitutional position. I merely repeat that so long as I am a Member of the Government of India, I am a servant of India, and not of the British Government.

**Mr. K. O. Neogy :** May I point out to my Honourable friend that he has contradicted only one portion of my friend, Sir Cowasji's statement that he is a servant of the British Government. But what he stated in addition to that, I think, was a very serious allegation, and that is, that he was in confidential communication with that Government.

**The Honourable Sir James Grigg :** That allegation does not seem to be worth denying.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 21st August, 1934.

## LEGISLATIVE ASSEMBLY.

*Tuesday, 21st August, 1934.*

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### ARRANGEMENT FOR A MEAT AND VEGETABLE MARKET ON THE MINTO AND CIRCULAR ROADS, NEW DELHI.

699. \*Sirdar Harbans Singh Brar : (a) Is it a fact that about 500 quarters built for the Secretariat staff have been allotted for occupation this year on the Minto and Circular Roads ?

\* (b) Is it a fact that no arrangements for the meat and vegetable markets have been made in that area ?

(c) What is the distance of the nearest market from these quarters ?

(d) In view of the fact that there are now more than 1,000 quarters (including the Press quarters) in this area, do Government propose to make some arrangement for the meat and vegetable market for the forthcoming winter season ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) There are shops in the area leased by the New Delhi Municipal Committee, which supply both vegetables and meat.

(c) The nearest market is about a mile from the quarters : but the shops referred to above are situated in the middle of the area in question.

(d) The question of constructing additional shops in this area is at present engaging the attention of the New Delhi Municipal Committee.

#### POSTAGE ON AIR MAIL LETTERS.

700. \*Sir Darcy Lindsay : (a) Will Government be pleased to state the reason for the high postage charge of  $8\frac{1}{2}$  annas per half ounce on letters transmitted by air-mail to Great Britain ? Is it a fact that the charge from Great Britain to India is six pence in the case of letters distributed to many parts of India by the ordinary postal service on arrival of the air-mail at Karachi ?

(b) With a view to further encouraging the use of the air-mail, are Government prepared to consider restoring the former postage charge of  $6\frac{1}{2}$  annas per half ounce on letters transmitted to Karachi by ordinary postal service and from thence by air-mail ?

(c) Will Government be pleased to state the system of their payment for the conveyance of mail by Imperial Airways Service from Karachi to

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Europe ? Is the payment made per single letter or by poundage of the postal bags, and if so, what is the charge ?

(d) What is the amount of the subsidy, if any, paid to the Indian Trans-Continental Airway's service for the conveyance of mail between Karachi, Delhi, Cawnpore, Allahabad, Calcutta, and Rangoon, and is there any further payment on the basis of poundage ?

**The Honourable Sir Frank Noyce :** (a) The charge of  $8\frac{1}{2}$  annas for the first half ounce for letters transmitted by Air Mail to Great Britain is made up of ordinary postage of  $2\frac{1}{2}$  annas and air fee of six annas. This air fee includes the charge for air conveyance by the Indian Internal Air Services. Government do not admit that the charges are high for the services rendered. The reply to the second part is in the affirmative.

(b) Formerly, the combined postage and air fee from Karachi to Great Britain was eight annas, and not  $6\frac{1}{2}$  annas per half ounce as stated by the Honourable Member. A flat rate of six annas per half ounce as air fee has been fixed for air conveyance from any part of India and Burma to Great Britain, in order to encourage the use of Inland Air Services and to secure acceleration of mails in inland transit. Government do not propose to reintroduce differential rates which they consider to be unsound in principle.

(c) Payment is made on the gross weight of the postal bags at the rate of 13 shillings and nine pence a pound.

(d) Apart from the subsidy paid by the British Government in respect of the trans-India Service, operated jointly by Indian Trans-Continental Airways, Limited, and Imperial Airways, Limited, the Government of India have granted these companies financial assistance in the form of the following concessions, namely :

- (1) Remission of customs and excise duties on petrol, oil, aeroplanes, spare parts, etc., used on the service in India.
- (2) Exemption from charges for landing, housing, wireless and meteorological facilities arising in India.

The value of these concessions for the current year is estimated at Rs. 1,31,400. As a result of granting these concessions, there has been a saving estimated at more than Rs.  $1\frac{1}{2}$  lakhs a year as the charges for the conveyance of Indian Air Mails by the main service are now permitted by the authorities in England to be settled in sterling instead of, as formerly, on a gold basis.

In this connection the Honourable Member's attention is invited to the reply given by me on the 19th March, 1934, to Mr. D. K. Lahiri Chaudhury's starred question No. 507.

In addition, payment for the carriage of mails is made on the gross weight of mails carried.

**Sir Darcy Lindsay :** Will Government consider a general reduction in the air mail postage from India by the West Bound Service to Europe, South Africa and other ports of call, that will be likely to encourage a more general use of the Air Mail Service ?

**The Honourable Sir Frank Noyce :** I may mention for the information of the Honourable Member that, although I have stated in reply to part (a) of his question that Government do not admit that the present

charges are high for the services rendered, I am having the possibility of reducing them carefully examined. (Cheers.)

**Mr. B. Das :** The difference between the air mail and ordinary mail from England is only 4d., while in the case of India it is 6½ annas. May I know who shares the extra payment from India and whether the Government of India get a share of it or whether it goes to the Trans-Continental Airways ?

**The Honourable Sir Frank Noyce :** I should require notice of that question. I cannot say off-hand how the air mail charges are divided.

**Mr. B. Das :** In view of the assurance which the Honourable Member has given that the Government are going to look into it, will they consider the desirability of reducing it to the extent of 4d. from 6½ annas ?

**Diwan Bahadur A. Ramaswami Mudaliar :** 5d.

**The Honourable Sir Frank Noyce :** As I have explained, we are looking into the question in all its aspects. But I would point out to the Honourable Member that the air mail charge for letters from England to India, if they are sent by air in India, is eight pence and not six pence. There is an additional two pence charge if they are conveyed by air mail in India.

**Mr. B. Das :** May I request the Honourable Member to reduce that 6½ annas to the 4d. ?

**The Honourable Sir Frank Noyce :** I obviously cannot say at present how far we shall be able to reduce the air mail charges or indeed whether we shall be able to reduce them at all. But as I have said, the question in all its bearings is under careful consideration.

**Dr. Ziauddin Ahmad :** Will the Honourable Member say that the air mail charge from India to England is 8½ annas while from England to India it is only 6d. ? There is an enormous difference. Will the Honourable Member kindly look into this matter as well ?

**The Honourable Sir Frank Noyce :** That point has already been raised in the supplementary question asked by my Honourable friend, Mr. B. Das.

#### TRANSMISSION OF MAIL TO AND FROM EUROPE BY CERTAIN AIR SERVICES.

701. **\*Sir Darcy Lindsay :** Is it a fact that under present conditions, countries in Europe other than Great Britain have the privilege of sending mail to India by the Dutch (K. L. M.) and French Air Services to be forwarded from Karachi by ordinary postal service, an advantage of commercial value denied to Great Britain, and if so, are Government prepared to reconsider the question of the transmission of mail to and from Europe by these services ?

**The Honourable Sir Frank Noyce :** The facts are not quite as stated by the Honourable Member. Some countries in Europe utilise all the three air services, namely, Imperial Airways, K. L. M. and Air France. Some utilise only two and some only one.

The mode of transmission of air mails to India from countries in Europe is a matter for decision by the Governments of those countries.

With regard to the mode of transmission of air mails from India to Europe, the Government of India do not propose to reconsider the decision already arrived at.

†702\*.

**POST OF PERSONAL ASSISTANT TO THE MILITARY SECRETARY TO THE VICEROY.**

703. \*Maulvi Badi-uz-Zaman : Will Government kindly state whether the post of Personal Assistant to the Military Secretary to the Viceroy is reserved for Europeans ? If not, has this ever been held by a Muslim ? If not, why not ?

**The Honourable Sir Henry Craik :** The answer to the first two portions is in the negative. As regards the last portion, the answer is that no suitable Muslim of sufficient seniority has been available.

**CREATION OF THE POST OF A SUPERINTENDENT IN THE MILITARY SECRETARY TO THE VICEROY'S OFFICE.**

704. \*Maulvi Badi-uz-Zaman : (a) Is it a fact that the post of Registrar in the Military Secretary to the Viceroy's office was retrenched about two years ago in the interest of economy ?

(b) Is it a fact that it is now intended to create the post of a Superintendent in the Military Secretary to the Viceroy's office in lieu of the post of Registrar ? If so, why ?

(c) Do Government propose to consider the name of a member of the minority community for this post ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b) With the abolition of the post of Registrar, there is no man specifically responsible for continual supervision of the work of the Assistants and clerks and, in consequence, the supervision is undertaken by the Personal Assistant to the Military Secretary to His Excellency the Viceroy and First Assistant working in conjunction ; and in the absence of the Personal Assistant to the Military Secretary to His Excellency the Viceroy, the First Assistant has to discharge the Personal Assistant's share of the duties of supervision. In these circumstances, the conversion of the post of the First Assistant into one of Superintendent is under consideration.

(c) If and when the post is finally sanctioned, it will be filled on the basis of merit and suitability.

**COMPOSITION OF THE CYPHER BRANCH OF THE OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY.**

705. \*Maulvi Badi-uz-Zaman : (a) What is the present composition of the Cypher Branch of the Office of the Private Secretary to the Viceroy ? Why is it exclusively reserved for Europeans and Anglo-Indians ?

(b) Is it a fact that prior to 1914 Indians used to do Cypher work ? If so, why are they excluded now ?

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†This question was withdrawn by the questioner.

(c) Is it a fact that European clerks doing routine work in the Office of the Private Secretary to the Viceroy are in receipt of higher rates of pay than Indians ?

**Mr. H. A. F. Metcalfe :** (a) Four European Assistants. There are certain difficulties which at present prevent the employment of Indians in the Cypher Branch of the Office of the Private Secretary to the Viceroy. Steps are, however, being taken to remove these difficulties. In this connection I would invite the Honourable Member's attention to the answer given to Mr. Muhammad Muazzam Sahib Bahadur's question No. 935, dated the 15th September, 1933, regarding the Cypher Bureau of the Foreign and Political Department.

(b) Both Indians and Europeans used to do the Cypher work in the Private Secretary's office prior to 1912. The reason for the exclusion of Indians from that year is given in part (a) above.

(c) There are no European clerks employed on routine work in the Private Secretary's office.

**Mr. Gaya Prasad Singh :** With reference to the answer to part (a) of the question, am I correct in stating that one of the difficulties is racial discrimination,—that the British Government which is in charge of the Cypher Bureau there would not agree to the appointment of Indians in this branch ?

**Mr. H. A. F. Metcalfe :** Who is it that the Honourable Member suggests will not agree to it ?

**Mr. Gaya Prasad Singh :** This Cypher Bureau is being controlled by an organisation which has its headquarters in England and it is those people who object to the employment of persons of Asiatic domicile in this Department. If I am wrong, I should like to have the correct information from the Honourable Member.

**Mr. H. A. F. Metcalfe :** The Honourable Member has not stated the position quite correctly. The position is as follows. Certain cyphers are used both in the Private Secretary's office and in the Foreign and Political Department Cypher Bureau, which are not the property of the Government of India. The Department which owns those cyphers has the right to say by whom those cyphers shall be handled, and the efforts we are making, which I referred to yesterday, are to try and get rid altogether of any cyphers which are not the property of the Government of India. As soon as we have substituted cyphers which are purely the property of the Government of India, the Government of India will then be able to dictate by whom those cyphers shall be handled, and there is no doubt that when that situation has been reached, Indians will be recruited to these two Cypher Bureaus.

**Mr. Vidya Sagar Pandya :** In that case just as the British cyphers are not to be touched by Indians, will you provide that the British will not touch our cyphers in London ? (Laughter.)

**Mr. H. A. F. Metcalfe :** I am afraid I cannot provide that, because there would be no Indians in London and elsewhere to decipher the telegrams which we send.



**RESIDENTIAL CLERKS IN THE OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY.**

706. \*Maulvi Badi-uz-Zaman : How many residential clerks are there in the Office of the Private Secretary to the Viceroy and how many of them are Indians ? If none, why are Indians excluded ?

Mr. H. A. F. Metcalfe : Owing to the fact that the resident clerk has to decode any cypher telegrams received out of office hours, the duty of resident clerk devolves on the four cypher clerks in turn. The reason why Indians are not employed as cypher clerks has already been explained in my answer to part (a) of question No. 705.

**RACIAL DISCRIMINATION IN THE MATTER OF RAILWAY ACCOMMODATION AND SUPPLY OF FOOD TO CLERKS ON TOUR WITH HIS EXCELLENCY THE VICEROY.**

707. \*Maulvi Badi-uz-Zaman : Is it a fact that European clerks on tour with the Viceroy are given better railway accommodation than the Indians and receive free food, and that Indians are paid a small sum as food allowance ? If so, why ?

The Honourable Sir Henry Craik : There is no differentiation. European and Indian clerks who accompany His Excellency the Viceroy on tour are each provided with a compartment. Cooking facilities also are provided for Hindus and Muhammadans. European clerks are given food free because no facilities exist for them to cook their own food and the Viceregal Special Train is very seldom timed to stop at stations equipped with Refreshment Rooms, where meals could be had. Indian clerks are paid an adequate food allowance *per diem*.

**HOLIDAYS IN THE OFFICES OF THE MILITARY SECRETARY AND THE PRIVATE SECRETARY TO THE VICEROY.**

708. \*Maulvi Badi-uz-Zaman : (a) How many closed holidays are observed in the Offices of the Military Secretary and the Private Secretary to the Viceroy ?

(b) How are the clerks compensated for loss in holidays when closed holidays are converted into sectional holidays or not closed at all ?

The Honourable Sir Henry Craik : (a) Closed holidays are observed in the office of the Military Secretary to His Excellency the Viceroy, as far as practicable. It is not possible to grant all closed holidays because of the personal and urgent nature of the work. In the office of the Private Secretary to His Excellency, all closed holidays are strictly observed, but here, as in the Secretariat, men are required to take their turn of duty on holidays so that urgent work may be attended to.

(b) In the Military Secretary to His Excellency's Office by the grant, whenever possible, of holidays in lieu when His Excellency the Viceroy is away from Headquarters on tour. In the Private Secretary's office by the subsequent grant of holidays in lieu.

**RESIDENTIAL CLERKS IN THE MILITARY SECRETARY TO THE VICEROY'S OFFICE.**

709. \*Maulvi Badi-uz-Zaman : How many residential clerks are there in the Military Secretary to the Viceroy's office ? If none, are

Government prepared to consider the appointment of at least one so as to offer relief to the clerical cadre ? If not, why not ?

**The Honourable Sir Henry Craik :** The duties of residential clerk are performed in the Military Secretary's office by the Personal Assistant to the Military Secretary. No question of relief, therefore, arises.

**SUNDAY DUTY DONE BY SOME CLERKS IN THE MILITARY SECRETARY TO THE VICEROY'S OFFICE.**

710. \***Maulvi Badi-uz-Zaman :** (a) Is it a fact that some of the clerks in the Military Secretary to the Viceroy's office have to do Sunday duty without any remuneration, while others are exempt ?

(b) Will Government kindly state the date since when this practice came into force, and the name of the official who is responsible for this differential treatment in the matter of exemption from holiday duty ?

(c) Is it a fact that no compensatory holiday is given to the clerks doing Sunday duty ? If so, why is this done ? Are there Government orders to the contrary ? Who is responsible for the non-observance of these Government orders ?

**The Honourable Sir Henry Craik :** (a) All clerks do Sunday duty in turn and none is exempt.

(b) Arrangements have always had to be made for the disposal of urgent work on Sundays, but, as a system, the present practice dates from March, 1932.

(c) A compensatory holiday is given when His Excellency the Viceroy is on tour, but not when His Excellency is in residence at headquarters. There are no general orders on the point ; the matter is one for decision in each department.

**RESTRICTIONS IMPOSED FOR ACCOMMODATING RELATIVES AND FRIENDS IN THE VICEREGAL ESTATE.**

711. \***Maulvi Badi-uz-Zaman :** (a) Will Government kindly lay on the table a statement showing the ministerial establishment under the Central Government in receipt of rent-free quarters ?

(b) Are any restrictions imposed upon them about accommodating relatives and friends ? If not, why is this system in force in the Viceregal Estate, especially in those quarters which are situated at a distance of about a mile from the Viceregal Lodge ? Under what regulations is this done ?

**The Honourable Sir Henry Craik :** (a) The information required by the Honourable Member is not readily available, and, I regret, I am unable to undertake its collection, as it will involve an expenditure of time and labour incommensurate with the results.

(b) The restrictions referred to by the Honourable Member are imposed only in respect of quarters in the Viceregal Estate, and I would invite his attention to the reply given to Mr. T. N. Ramakrishna Reddi's starred question No. 490 on the 25th February, 1933.

**STRENGTH OF STAFF IN THE OFFICE OF THE SUPERINTENDENT, VICEREGAL ESTATE.**

**712. \*Maulvi Badi-uz-Zaman :** (a) Will Government kindly state what the total strength is of the office of the Superintendent, Viceregal Estate, excluding temporary and work charged appointments, and the number of Muslims employed ?

(b) What steps are being taken to bring the strength of Muslims in that office up to the required standard, as laid down by Government ? If none, why not ?

**The Honourable Sir Frank Noyce :** (a) I presume that the Honourable Member refers to clerical posts. There are twenty such posts, of which four are filled by Muslims.

(b) No permanent vacancy has occurred during the last five years. When a vacancy occurs, the orders of Government relating to the representation of Muslims and other minority communities will be duly observed.

**CLERICAL APPOINTMENTS MADE IN THE OFFICES OF THE PRIVATE SECRETARY AND THE MILITARY SECRETARY TO THE VICEROY, ETC.**

**713. \*Maulvi Badi-uz-Zaman :** (a) Will Government kindly lay on the table a statement showing the number of permanent clerical appointments filled up in the following offices during the past five years :

- (i) the Private Secretary to the Viceroy,
- (ii) the Private Secretary to the Viceroy's Press,
- (iii) the Military Secretary to the Viceroy, and
- (iv) the Superintendent, Viceregal Estate ?

(b) What is the number of Hindus and Muslims taken in each office, and the reasons for omitting the recruitment of Muslims ?

**The Honourable Sir Henry Craik :** (a) and (b).

(i) None.

(ii) There is only one clerical appointment in the Private Secretary to His Excellency's Press. This was created in 1930 and was filled by a Muslim.

(iii) One, a Hindu.

(iv) None.

**APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.**

**714. \*Lieut. Nawab Muhammad Ibrahim Ali Khan :** (a) Will Government please state the total number of temporary and permanent establishments of the office of the Director of Civil Aviation and the number of members of different communities employed in each grade ?

(b) Is it a fact that there is no Muslim Superintendent or senior assistant in that office ? Is it also a fact that the appointment of Superintendents in that office is not always made by promotion, but is generally made by recruitment of suitable assistants from other Departments and therefore seniority is not applicable in such cases ?

(c) How many such appointments have been made during the last three years ? Why has a Muslim not been selected ?

(d) Are Government prepared to remove the grievance of Muslims by appointing an adequate number of members of their community ? If not, why not ?

(e) Will Government please state the number of total appointments made in the office of the Director of Civil Aviation during the last four years in different grades and state how they have been filled ?

**The Honourable Sir Frank Noyce :** (a) I lay a statement on the table.

(b) The answer to the first part is in the affirmative. As regards the second part, with the exception of the appointment of the first Superintendent, and a subsequent temporary appointment of a Superintendent, appointments to such posts have been made by the promotion of suitable assistants in the office.

(c) One—the temporary appointment I have referred to in my answer to part (b). For this appointment applications were invited from trained assistants in other Departments and the applicant considered the most suitable was selected. He happened to be a Hindu.

(d) I cannot admit that Muslims have any grievance in this matter.

(e) Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

*Statement.*

	Hindus.	Muslims.	Sikhs.	Anglo-Indians.	Indian Christians.	Other minority communities.	Total.
<i>Permanent Staff.</i>							
Superintendents ..	2	..	..	1	1	..	4
Assistants ..	8	1	1	2	1	..	13
Clerks .. ..	14	4	1	1	..	..	20
Stenographers ..	1	..	..	..	..	..	1
Draftsman ..	1	..	..	..	..	..	1
Total ..	26	5	2	4	2	..	39
<i>Temporary staff.</i>							
Clerks .. ..	2	1	..	..	..	..	3
Stenographers ..	1	..	..	..	..	..	1
Draftsman ..	1	..	..	..	..	..	1
Total ..	4	1	..	..	..	..	5

**EMPLOYMENT OF THE RELATIONS OF THE SENIOR SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION IN THAT OFFICE,**

715. \*Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that recently several relations of the senior Superintendent of the office of the Director of Civil Aviation have been appointed in permanent and temporary posts in that Office ?

(b) Will Government please state the number of his relations employed in the Office of the Director of Civil Aviation and subordinate offices ?

(c) Is it a fact that recently when there was a clerical vacancy in the New Delhi Civil Aerodrome Office, one of his relations and the brother of the draftsman was quietly appointed ? Were applications invited for this vacancy ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) No.

(b) Government have no information.

(c) Government have no information about the relations of the clerk in the Aerodrome Office, New Delhi. The man appointed was selected because he had had experience in the Civil Aviation Office.

**POSTS CREATED IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.**

716. \*Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that some new posts have been created in the office of the Director of Civil Aviation ? If so, how is it proposed to fill them ?

(b) Are Government prepared to remove the communal inequalities by filling these posts by members of the minority communities ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Yes. They have been filled in the normal way through the Public Service Commission.

(b) There are no communal inequalities.

**NON-GRANT OF GRATUITY TO ONE MR. J. CONNORS.**

717. \*Pandit Satyendra Nath Sen : (a) Will Government be pleased to state whether it is a fact that the Railway Board refused to grant gratuity to Mr. J. Connors on the ground that it was time-barred, as stated in the letter of the Railway Board, dated the 27th April, 1931 ?

(b) Is it a fact that the amount of gratuity of Rs. 7,000, with interest, due to Mr. J. Connors, is in the possession of the Railway Department of the Government of India ?

(c) Is it the policy of Government to deprive people of their dues and take shelter behind the law of limitation ?

**Mr. P. R. Rau :** (a) The facts of the case are as follows :

Mr. Connors retired from the Bengal Nagpur Railway in 1910. At the time of his retirement, he applied for the grant of a gratuity, which was refused as it was held by the Administration that Mr. Connors' claims were not sufficiently established. Nine years later, the Agent of the Bengal Nagpur Railway re-

opened the question and recommended a gratuity. The Railway Board saw no reason to reconsider the matter after the lapse of nine years after the officer's retirement. The question was again raised by Mr. Connors in 1931 and the Railway Board adhered to their previous decisions.

(b) My Honourable friend has overlooked the fact that the rules distinctly provide that the grant of gratuities is entirely at discretion and that they cannot be claimed as of right.

(c) No.

**ALLEGED MALADMINISTRATION OF THE NORTH WESTERN RAILWAY MEDICAL DEPARTMENT.**

**718.\*Khan Bahadur Haji Wajihuddin :** (a) Will Government be pleased to state whether there has been an agitation in the Press regarding the mal-administration of the North Western Railway Medical Department ?

(b) Was any allegation made that the Office Superintendent of that Department was responsible for certain gross irregularities ?

(c) Is it a fact that the personal file of a clerk of the Medical Department, in which adverse remarks in regard to his work were made, was torn away and good remarks were inserted in its place ? How many such instances have been brought to the notice of the Chief Medical Officer ?

**Mr. P. R. Rau :** (a) Government have seen some articles criticising the administration of the Medical Department of the North Western Railway in the *Eastern Times* and the *Pilot*.

(b) Possibly this was one of the allegations, but I have myself no personal recollection of having seen this.

(c) Government have no information, but I am sending a copy of the question to the Agent, North Western Railway, who is competent to deal with the alleged incident.

**ABOLITION OF THE POST OF SUPERINTENDENT IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.**

**719.\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that on account of the amalgamation of the North Western Railway Medical Department, with the Headquarters Office, establishment matters both of the Chief Medical Officer's Office and the whole of the Medical Department, have been handed over to the Personnel Branch of the Headquarters Office ?

(b) Is it a fact that the Medical Branch of the Chief Medical Officer's Office now deals with purely technical matters and its work has always been controlled by an officer possessing proper technical qualifications ?

(c) Is it a fact that matters relating to stores also require the control of a technical officer and have always been dealt with by the Personal Assistant to the Chief Medical Officer ?

(d) If the answers to the above parts are in the affirmative, do Government propose to abolish the post of the Office Superintendent ?

**Mr. P. R. Rau :** (a) The Establishment work of the Medical Branch previously done in the Chief Medical and Health Officer's office is now being dealt with in the Personnel Branch of Headquarters' office as for all branches of the Railway.

(b) The Chief Medical and Health Officer is the head of the Medical Branch and is the responsible adviser of the Agent on all medical and sanitary matters connected with the Railway and is responsible for all medical arrangements. He is assisted by two Medical Subordinates (Assistant Surgeon and a Sub-Assistant Surgeon). The Assistant Surgeon is designated 'Personal Assistant' to the Chief Medical and Health Officer.

(c) All matters relating to medical stores are dealt with by the Chief Medical and Health Officer with the assistance of the Personal Assistant.

(d) This is a matter for the Administration to decide. I have sent a copy of the question to the Agent.

#### PROMOTION OF SUB-ASSISTANT SURGEONS EMPLOYED ON RAILWAYS.

**720.\*Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that there is a provision in the rules that Sub-Assistant Surgeons employed on Railways can be promoted to the grade of Assistant Surgeons ?

(b) Is the provision only meant for the Railway Sub-Assistant Surgeons or is it also applicable to Civil Sub-Assistant Surgeons, whose services are temporarily lent to the Railway Department ?

**Mr. P. R. Rau :** (a) Yes.

(b) I am ascertaining the practice followed on railways and will place a reply on the table of the House in due course.

#### REMOVAL OF SURCHARGE ON INCOME-TAX AND SUPER-TAX.

**721.\*Lala Rameshwar Prasad Bagla :** (a) Will Government be pleased to state if they have any proposals before them to remove the surcharge on income-tax and super-tax ? If so, what do they propose to do ?

(b) If the answer to part (a) be in the negative, will Government please state if they are prepared to consider the desirability of removing the surcharge on income-tax and super-tax ?

**The Honourable Sir James Grigg :** With your permission, Sir, I shall answer questions Nos. 721 and 722 together. I regret that I am unable to anticipate the Budget Statement.

#### FIXATION OF LIMIT OF MINIMUM ASSESSABLE INCOME FOR INCOME-TAX AT Rs. 2,000.

**†722.\*Lala Rameshwar Prasad Bagla :** (a) Are Government aware that the fixation of the minimum assessable limit for income-tax at Rs. 1,000 has caused great distress to that class of people ? If so, what steps do Government propose to take in the matter ?

(b) If the answer to part (a) be in the negative, will Government please state if they are prepared to consider the desirability of fixing the limit of minimum assessable income for income-tax at Rs. 2,000 instead of Rs. 1,000, as at present ? If not, why not ?

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†For answer to this question, see answer to question No. 721.

APPOINTMENT OF INSPECTORS OF POST OFFICES.

723. \***Rao Bahadur M. C. Rajah** : (a) Will Government please state the number of postal inspectors employed in the Indian cities ?

(b) Will Government also please state if the duties of this class of postal inspectors are identical with those of the divisional inspectors ?

(c) Will Government please state the existing rates of pay attaching to these two wings of the postal inspectors and whether at any time these rates were identical ?

(d) Is it a fact that the posts of these town inspectors were converted from selection grade into the time scale some time in 1933 ?

(e) If the answer to part (d) be in the affirmative, will Government please state if that measure was prompted by considerations of economy without impairing efficiency ?

(f) Is it a fact that simultaneously with the conversion of these posts into the time scale these appointments which were previously made by the Postmaster General of the circle concerned from amongst the qualified candidates, were left to the discretion of the local postmasters and whether any instructions were issued to them for their guidance in the matter of selecting persons for appointment to these posts ?

(g) Will Government also please state the names of the Indian cities, if any, where in pursuance of these orders these posts were offered to the unqualified persons in preference to the qualified men available at those stations ?

(h) If the answer to part (g) be in the affirmative, will Government please state if they are prepared to issue detailed instructions to the local postmasters that in the matter of appointment to the posts of postal town inspectors, qualified men, where available, should be given preference over those who could not have aspired to these posts before the conversion of these posts into the time-scale ?

**The Honourable Sir Frank Noyce** : (a) The Honourable Member presumably alludes to Town Inspectors attached to General Post Offices and First Class Head Post Offices. According to such information as is readily available, the number of such officials as it stood on the 5th August, 1932, was 84, but Government have reason to believe that there has been some decrease since that date.

(b) No.

(c) The existing rates of pay for the Sub-Divisional Inspectors in General Post Offices and First Class Head Post Offices are Rs. 160—10—250. Those for Town Inspectors are ordinary time-scale of pay *plus* a special pay of Rs. 30. From 1st September, 1927, till the issue of revised orders on the 5th June, 1933, Town Inspectors in General Post Offices and First Class Head Post Offices were in the Lowest Selection Grade of Rs. 160—10—250, like Sub-Divisional Inspectors.

(d) Yes, as stated in reply to part (c) above.

(e) Yes.

(f) The reply to the first part of the question is in the affirmative. As regards the second part, as the revised arrangement was only a reversion to the older system of local recruitment, it was not considered neces-



sary to issue any fresh instructions for the guidance of Postmasters who are in the best position to decide on the suitability of individual members of their staff for the discharge of any particular duty.

(g) No special qualifications are prescribed for the appointment of Town Inspector : as explained in the reply to part (f) above, Postmasters select for these posts the men who are, in their opinion, best suited for them. The question does not, therefore, arise.

(h) Government have no reason to think that the present system does not conduce to efficiency and are not, therefore, prepared to accept the Honourable Member's suggestion.

#### GRANT-IN-AID TO THE SANATAN DHARM HIGH SCHOOL, SIMLA.

724. \***Rao Bahadur M. C. Rajah** : (a) Is it a fact that the Government of India have made certain provisions in the Budget estimate for grant-in-aid to schools in Simla which cater for the children of the Government of India staff ?

(b) Will Government state the names of the institutions which receive such a grant in Simla and New Delhi, and the amounts of the grants paid to these institutions, respectively ?

(c) Has the Sanatan Dharm High School of Simla also applied for a grant-in-aid on the same grounds ? If so, do Government propose to give a suitable grant to that school also ? If not, why not ?

**Mr. G. S. Bajpai** : (a) Yes.

(b) A statement giving the names of the schools and the amounts of grant paid to them by the Government of India during 1933-34 is laid on the table.

(c) Yes. The matter is under consideration.

*Statement giving the names of the schools in Simla and Delhi and the amounts of grants paid to them by the Government of India during 1933-34.*

			Rs.
1. The Lady Irwin High School for Girls, Simla/New Delhi	..	..	9,800
2. The Harcourt Butler High School, Simla/New Delhi	..	..	3,780
3. The Islamia A. V. Middle School, Simla	..	..	1,800
4. The Madras Primary Schools, Simla/New Delhi	..	..	1,200
5. Sir Frank Noyce Boys' (Primary) School, Phagli, Simla	..	..	480
6. Lady Noyce Girls' (Primary) School, Phagli, Simla	..	..	480
7. The European Primary School, Summer Hill, Simla	..	..	450

#### FORMATION OF AN ADVISORY COMMITTEE FOR KATHIAWAR RAILWAYS.

725. \***Dr. Ziauddin Ahmad** : (a) Is there any advisory committee for Kathiawar Railways ? If not, are Government prepared to take action that an Advisory Committee for Kathiawar Railways may be established ?

(b) Was the Railway Board ever requested to initiate the formation of the Advisory Board ?

**Mr. P. B. Rau :** (a) Government are not aware of any of the Railways in Kathiawar having constituted an Advisory Committee. The Railways referred to are neither owned nor worked by the Government of India, but I am bringing the Honourable Member's suggestion to the notice of the Managers of the Railways in Kathiawar for such action as they consider necessary.

(b) One representation was received recently and the gentleman who made it was advised to address the Railway Administrations concerned in the matter.

**Dr. Ziauddin Ahmad :** May I ask whether the Railway Board can ask the authorities concerned to form an Advisory Committee, as there is a great demand therefor from the travelling public ?

**Mr. P. B. Rau :** We can only make a suggestion ; that is all.

**Mr. Gaya Prasad Singh :** Is it a fact that these railways are not controlled by the Indian Railways Act ?

**Mr. P. B. Rau :** Whatever power of control vests in Government under the Indian Railways Act can be exercised in respect of these railways, but that power of control does not extend to the compulsory formation of Advisory Committees.

**Mr. Gaya Prasad Singh :** Would it not be an infringement of the rights of those Indian States if the Government of India were to compel them to appoint Advisory Committees on their railways ?

**An Honourable Member :** There is no question of compulsion.

#### CLASSIFICATION OF BURMA RICE.

726. **\*Mr. W. J. O. Richards :** (a) Will Government be pleased to state whether their attention has been drawn to an answer given to a question in the Madras Legislative Council in which the Honourable the Finance Member to the Government of Madras (as reported in the *Statesman* of the 6th August) included Burma rice as " foreign " rice ?

(b) Do the Government of India agree with the Government of Madras that Burma rice should be classified as " foreign " rice ?

**Mr. G. S. Bajpai :** (a) Government have seen a Press report of the answer referred to by the Honourable Member.

(b) The Honourable Member is no doubt aware that Burma rice is not treated as " foreign rice ".

**U Ba Maung :** May I know if the Government of India are in correspondence with the Government of Madras with regard to the Madras Finance Member's reply ?

**Mr. G. S. Bajpai :** We have asked the Government of Madras, Sir, for a copy of the proceedings. That is all.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I ask what is wrong in describing Burma rice as " foreign " rice so far as the Madras Presidency is concerned ?

**Mr. G. S. Bajpai :** I should say in that limited connotation the application of the word " foreign " would be justified.

**Mr. Vidya Sagar Pandya :** May I ask, since quotas have been differentiated, why not in the case of rice also ?

**Mr. G. S. Bajpai :** Not as between one part of India and another.

**An Honourable Member :** May I ask what are the recommendations of the Rice Committee on this point ?

**Mr. G. S. Bajpai :** The Rice Committee has not been formed yet, Sir.

**U Ba Maung :** Are the Government of India contemplating applying protection to Indian rice ?

**Mr. G. S. Bajpai :** The Government of India do not contemplate.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is the Honourable Member in a position to make any statement as regards the imports of rice into Madras ?

**Mr. G. S. Bajpai :** I have nothing to add to what I said sometime ago on the subject.

**Mr. Vidya Sagar Pandya :** Is the Honourable Member always merely going to repeat that reply ?

**Mr. G. S. Bajpai :** Until some decision has been reached.

**Mr. Sitakanta Mahapatra :** Is it not a fact that Burma's separation from India is a settled fact ?

**Mr. G. S. Bajpai :** I have not yet heard that.

**Mr. F. E. James :** When are Government likely to reach a decision in regard to the question of the imports of foreign rice—I am not speaking of Burma rice ?

**Mr. G. S. Bajpai :** Government will try to reach a decision as soon as possible.

**An Honourable Member :** Before this Assembly rises ?

**Mr. F. E. James :** Is it a fact that the inquiries which the Government undertook to make in regard to the matter have now been completed, and, therefore, all that remains for the Government to do is to make up its mind on the results of those inquiries ?

**Mr. G. S. Bajpai :** Sir, the Government of India initiated certain inquiries into the question of the imports of foreign rice, and the results of those inquiries became available only a couple of days ago.

#### RECRUITMENT TO SUPERIOR REVENUE ESTABLISHMENTS FOR THE STATE RAILWAYS.

727 \***Dr. Ziauddin Ahmad :** (a) Is it not a fact that paragraph 4 of Appendix I of the Regulations for recruitment to Superior Revenue Establishments for the State Railways provides that at the expiration of the second period of training "fourth year", the apprentices will be examined and will be listed in order of merit on the result of this examination ?

(b) Is it not a fact that in the agreement between the candidates and the Secretary of State it is stated in paragraph 7 that at the end of the training (end of fourth year's course) the apprentice shall undergo an

examination, and, if successful, may be selected by Government for further training in the United Kingdom ?

(c) Is it not a fact that contrary to the Government Regulation and contrary to the agreement, apprentices were selected in the year 1934 without any examination by the Railway Board ?

(d) Did the Railway Board fix any minimum pass marks for qualifying in the examination ? In the absence of minimum pass marks, is it possible to assert whether a particular candidate has or has not qualified in the examination ?

(e) Is it a fact that the Railway Board issued a circular on the 20th July, 1934, that certain candidates did not attain the qualifying standard, and some were selected in direct order of merit without any examinations at the end of the fourth year ?

(f) Will Government be pleased to mention the number of candidates admitted every year in the Jamalpur Technical Railway School (Special Class Apprentices) ?

(g) How many of these apprentices are selected for training in the United Kingdom every year ?

(h) Are the apprentices, who obtain minimum pass marks and are not selected for training in the United Kingdom, eligible for appointments in the Railway services ? Are they entitled to join the Railway Department in a grade above the one for which non-technical men are eligible ?

**Mr. P. R. Rau :** (a) The relevant rule provides that an apprentice will be examined and will be listed in order of merit on the results of the fourth year's examination, as well as of the examinations held during the first three years of apprenticeship, taking also into account the reports received during the course of the apprenticeship. It also provides that apprentices to the number of vacancies for which the selection was made in the first instance will be selected in direct order of merit for a further period of training for two years, provided that they have attained the qualifying standard, and the others will be discharged from their apprenticeship.

(b) The provisions in clause 7 of the Agreement have been correctly quoted by the Honourable Member.

(c) The selection of apprentices for further training in 1934 was made, as in previous years, on the basis of : (1) the results of the technical school examination held at the end of each of the four 9-monthly sessions which comprise their theoretical training, (2) the Principal's reports on the candidates' general conduct, and (3) the Deputy Chief Mechanical Engineer's reports on their shop work during each year of their period of training.

(d) A minimum was prescribed by the East Indian Railway Administration.

(e) I presume my Honourable friend is referring to the Railway Board's letter of the 19th July, 1934, to the Honorary General Secretary, Anjuman-i-Islamia, Punjab, Lahore. What was stated in the letter was that six out of the ten apprentices had attained the qualifying standard and were selected in direct order of merit.

(f) and (g). I place on the table a statement showing the number of persons recruited as Special Class Apprentices and the number selected out of these for further training in the United Kingdom since the inauguration of this scheme in 1926-27.

(h) The apprentices in question are not debarred from appointment in railways if vacancies for which they may be suitable exist. I am not very clear as to the meaning of the second part of this question ; but the technical training received by these young men will naturally give them preferential claims over non-technical men for posts for which these qualifications are necessary.

*Statement showing the number of special class Apprentices recruited for training the Mechanical Engineering and Transportation (Power) Departments of State Railways and sent for training in the United Kingdom.*

Year of recruitment.	Number of apprentices recruited.	Year in which some of the apprentices were sent for further training.	Number of apprentices sent to United Kingdom for a further period of training for 2 years.	Remarks.
1927 .. ..	6	1931	4	
1928 .. ..	10	1932	8	
1929 .. ..	12*	1933	*7	* 3 more were granted a scholarship of £200 per annum.
1930 .. ..	12	1934	6	
1931 .. ..	†12	..	..	†Still under training at Jamalpur.
1932 .. ..	†6	..	..	

**Dr. Ziauddin Ahmad :** May I ask whether the examination at the end of the fourth year, the second period of training, as provided in the Regulations was ever held ?

**Mr. P. R. Rau :** Sir, I understand that no written examination was held. Whether an oral examination was held or not is not quite clear from the report of the Agent of the East Indian Railway.

**Dr. Ziauddin Ahmad :** I should like to know whether no examination was held, and the selection was made on the results of the third year examination—which is contrary to regulations ?

**Mr. P. R. Rau :** I have just explained that my information is that no written examination was held. As to whether an oral examination was held or not is not quite clear from the report which we have had from the Agent of the East Indian Railway.

**Mr. S. C. Mitra :** Was there a written examination held at the end of the first three years ?

**Mr. P. R. Rau :** Four examinations were held, one at the end of each term of nine months.

**Mr. S. C. Mitra :** May I take it that in the other three cases there were written examinations as well as oral ?

**Mr. P. R. Rau :** I think so, Sir.

**Mr. S. C. Mitra :** Is it a fact that at the end of the fourth year there was no examination ?

**Mr. P. R. Rau :** There was no written examination, I understand.

**Mr. S. C. Mitra :** But there was some examination held at the end of the fourth term. May I take it there was no examination—neither written nor oral, at the end of the fourth year ?

**Mr. P. R. Rau :** I am not sure whether an oral examination was held or not.

**Mr. S. C. Mitra :** May I take it that if there was not even an oral examination, then the purpose of the regulations has not been followed ?

**Mr. P. R. Rau :** Sir, if there was no oral examination, as to which I am not quite sure, it looks as if the rules have not been literally followed.

**Dr. Ziauddin Ahmad :** May I ask if the Railway Board make a selection of the candidates without even having any information as to whether the qualifying examination was or was not held ?

**Mr. P. R. Rau :** We had plenty of information already on the capacities of the candidates based on the results of the first four examinations, the reports we have had about them from the Chief Mechanical Engineer about their shop work, and so on.

**Dr. Ziauddin Ahmad :** But the regulations provide that there should be some examination—written or oral does not matter—and on the results of that examination the Railway Board must make their final selections. In this case they did not carry out the regulations ; that is, no examination of any kind, either written or oral, was held at the end of the second period, and in spite of that the Railway Board made their selections ?

**Mr. P. R. Rau :** I do not admit that that is contrary to the regulations. The fact is that we had sufficient information at our disposal to place the candidates in the relative order of merit, but I may add that these questions have been raised by some of the candidates in representations to the Government of India which are under consideration.

**Dr. Ziauddin Ahmad :** With regard to the question of pass marks, the minimum required is fixed by the Agent ? Am I correct ?

**Mr. P. R. Rau :** Yes, Sir. The minimum was prescribed by the East Indian Railway Administration.

**Dr. Ziauddin Ahmad :** May I know if these pass marks are fixed from year to year or definitely for all time ?

**Mr. P. R. Rau :** They must be fixed, Sir, definitely until they are altered.

**Dr. Ziauddin Ahmad :** What are the minimum pass marks—40, 45 or what ?

**Mr. P. R. Rau :** I understand the East Indian Railway Administration have fixed 70 per cent. and over for honours, 50 per cent. and over as the minimum for the first division, 30 per cent. and over for the second division. Candidates getting below 30 per cent. are supposed to have failed.

**Dr. Ziauddin Ahmad :** Is it not a fact that the percentages that are given there show that the candidates passed in the second division in the third year examination ?

**Mr. P. R. Rau :** My Honourable friend forgets that it is not a purely qualifying examination. The Government of India's regulations were quite clear on the point that only the number of candidates corresponding to the number of vacancies were eligible for being sent for further training. There were six vacancies, and originally twelve were selected for being trained in the first four years in India. Thereafter, at the end of four years, only six were sent for further training.

**Dr. Ziauddin Ahmad :** May I ask whether it is not a fact that about 12 persons were selected in the first instance and they were paid Rs. 100 a month at the expense of the poor tax-payer of India, and at the end of their training the examination became a competitive examination and you selected only six men ? Is it not a fact that this is a wastage of the Indian tax-payer's money ?

**Mr. P. R. Rau :** That is a matter of opinion. If it is a question of having six vacancies to fill at the end of six or seven years and if you take only six candidates in the beginning, then it is quite likely that by the end of the period of training you will be left with only three or four.

**Dr. Ziauddin Ahmad :** May I ask, whether it is not only the waste of the public money but to deprive these candidates of their career if, after giving them four years' training and paying them during this period at the rate of Rs. 100 a month, you simply tell them : " You go out though you have passed " ?

**Mr. P. R. Rau :** But they have received valuable training.

**Dr. Ziauddin Ahmad :** May I ask what is the value of this training when the Railways themselves do not recognise it and do not consider them fit for employment ?

**Mr. P. R. Rau :** I am sure that if there are suitable jobs in the Railways for these trained people, they would get them.

**Mr. D. K. Lahiri Chaudhury :** May I ask why the examination was not held when the quota of marks is fixed for different divisions ?

**Mr. P. R. Rau :** My Honourable friend has not been listening attentively. I said that four examinations were held during the period of training of these candidates.

**Mr. S. C. Mitra :** Am I correct in saying that Government take only as many candidates as there are vacancies or there is a possibility of such vacancies ? If so, what do they do with the other candidates who are left out but who have passed the examinations ?

**Mr. P. R. Rau :** They are discharged from the apprenticeship.

**Mr. S. C. Mitra :** Why the Government do not take steps to provide for them in India or attempt to provide them with employment in the Company-managed Railways, especially in view of the fact that so much of public money has been spent on their training—Rs. 100 a month for a period of four years ?

**Mr. P. R. Rau :** They can be given jobs for which they are deemed fit, and, I am sure, Railways will take into consideration the fact that they have received training for four years in railway workshops when they make their selection.

**Maulvi Muhammad Shafee Daoodi :** May I ask how many of them have been discharged this year ?

**Mr. P. R. Rau :** Four, Sir.

#### SALE OF RAILWAY STALLS ON THE GREAT INDIAN PENINSULA RAILWAY.

728. **\*Dr. Ziauddin Ahmad :** (a) Is it a fact that the Chief Traffic Manager of the Great Indian Peninsula Railway has issued a circular to the Divisional Superintendents that Railway stalls should be sold to the contractors ?

(b) Was this order issued after the debate in this House and the promise of the Railway Member to refer the question of vendors, refreshment rooms and stalls to the Local Advisory Committee ?

**Mr. P. R. Rau :** (a) The Agent, Great Indian Peninsula Railway, has reported that no such circular has been issued.

(b) Does not arise.

#### APPOINTMENT OF GUARDS IN THE DINAPORE DIVISION, EAST INDIAN RAILWAY.

729. **\*Sardar G. N. Mujumdar :** With reference to the reply given to the starred question No. 2 of the 16th July, 1934, regarding appointment of guards in the Dinapore Division, East Indian Railway, will Government please state :

- (i) whether the Anglo-Indian Fireman and the Anglo-Indian Shunters had passed the examination for posts of guards ; if so, when and where ;
- (ii) whether they underwent a course of Transportation at the Transportation School, Chandausi ; if so, when and with what result ; and
- (iii) whether any Indian Driver, Fireman, or Shunter, received the same treatment as these Anglo-Indians ; if not, why not ?

**Mr. P. R. Rau :** I have called for the information and will lay a reply on the table of the House in due course.

#### INFORMATION ABOUT MATTERS WITHIN THE PROVINCE OF THE LOCAL RAILWAY ADMINISTRATIONS.

730. **\*Sardar G. N. Mujumdar :** Is it a fact that Government have informed this House in reply to a supplementary question to question No. 3 of the 16th July, 1934, regarding mal-administration in the Dinapore



Division, East Indian Railway, that these questions ordinarily relate to matters which are within the province of the local administration ? If so, will Government please state :

- (a) whether there is any legislative body other than this House competent to obtain information about matters within the province of the local administrations ;
- (b) whether the local administrations directly lay information before this House, and
- (c) what the procedure is to obtain information from the local administrations by Members of this House ?

**Mr. P. R. Rau :** The reply to the first part of the question is in the affirmative. The reference was to the various questions put with regard to the Dinapore Division of the East Indian Railway.

(a) Yes, my Honourable friend has forgotten the Council of State.

(b) No.

(c) The very large number of questions on an infinite variety of subjects and of very varying degrees of importance that I answer every day in this House, is, I believe, a sufficient answer to this question.

**Pandit Satyendra Nath Sen :** May I know if Dinapore has made a name for mal-administration during recent years ?

**Mr. P. R. Rau :** That is my Honourable friend's opinion, apparently.

**Pandit Satyendra Nath Sen :** Is it not a fact that quite a large number of complaints have been placed before this House regarding Dinapore and that this is not the case with the other Divisions ?

**Mr. P. R. Rau :** It is possible to draw various inferences from the fact that a large number of questions are being asked with regard to a particular subject from particular Members of this House. (Laughter.)

#### HEAD TICKET COLLECTORS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

731. **\*Sardar G. N. Mujumdar :** With reference to the statement laid on the table of this House on the 18th July, 1934, in reply to question No. 450 of the 13th March, 1934, will Government please state :

- (i) whether the rank of Head Ticket Collector is lower than that of Assistant Head Ticket Collector ;
- (ii) the name, the date of confirmation, the rate of pay and the post held by men senior to old Head Ticket Collectors prior to the appointment of Assistant Head Ticket Collectors ;
- (iii) the rate of salary on which the temporary staff of the crew system on abolition was appointed on the 1st June, 1931 ;
- (iv) whether the present Assistant Head Ticket Collectors were temporary ; if so, how they are treated as senior to permanent staff ?

**Mr. P. R. Rau :** (i) No.

(ii) and (iv). Government have no information. Promotions and determination of relative seniority in these ranks are within the competence of the Agent.

(iii) I lay a statement on the table giving the scales of pay in force from the 1st June, 1931.

<i>Statement.</i>					Rs.
Chief Inspectors .. .. .	..	..	..	..	240—20—460
Inspectors Grade I .. .. .	..	..	..	..	200—10—220
Inspectors Grade II .. .. .	..	..	..	..	150—10—190
T. T. E.'s Grade I .. .. .	..	..	..	..	70—5—95
T. T. E.'s Grade II .. .. .	..	..	..	..	55—3—64
Hd. T. C.'s Grade I .. .. .	..	..	..	..	200—10—220
Hd. T. C.'s Grade II .. .. .	..	..	..	..	150—10—190
Assistant Hd. T. C.'s. .. .. .	..	..	..	..	110—5—140
T. C.'s Grade I .. .. .	..	..	..	..	70—5—95
T. C.'s Grade II .. .. .	..	..	..	..	55—3—64
T. C.'s Grade III .. .. .	..	..	..	..	37—3—52
Lady T. C.'s. .. .. .	..	..	..	..	75—5—120

UNDER-WRITINGS OF THE SHARES OF THE RESERVE BANK.

732.\* **Kunwar Hajee Ismail Ali Khan** : Are Government considering the question of under-writing the shares of the Reserve Bank in various centres in India ? If so, will banks and recognised share brokers be permitted to under-write the shares ?

**The Honourable Sir James Grigg** : The Government of India are not directly concerned with the questions raised by the Honourable Member. They will doubtless be considered in due course by the authorities of the Reserve Bank.

**Dr. Ziauddin Ahmad** : May I ask, Sir, whether the first allotment of the shares will be done by a Committee of the House or by the Government themselves ?

**The Honourable Sir James Grigg** : My recollection is that there was a provision in the Reserve Bank Act that two Members of this House should be appointed to assist in the allotment of the shares.

**Mr. S. C. Mitra** : Are Government going to take any steps to get the two associate members selected by the House before the House is dissolved ?

**The Honourable Sir James Grigg** : In due course, yes ; but it is not proposed to take immediate steps.

REFRESHER COURSE AT KOT LAKHPAT, NORTH WESTERN RAILWAY.

733.\* **Pandit Satyendra Nath Sen** : Is it a fact that the Refresher Course at Kot Lakhpat, North Western Railway is intended to refresh the memory of candidates and that no candidate is bound to pass any examination relating to that course for the continuity of his services ?

**Mr. P. R. Rau** : I would refer the Honourable Member to the information I laid on the table of the House on the 18th July, 1934, in reply to part (a) of question No. 576, asked by Rao Bahadur M. C. Rajah, on the 3rd April, 1934.

**CONFIRMATION OF TEMPORARY STAFF ON THE NORTH WESTERN RAILWAY.**

734. \***Pandit Satyendra Nath Sen** : Is it a fact that the Local Railway Authorities of the North Western Railway engaged temporary staff, and their confirmation was based on passing a departmental suitability examination, exempting them from the condition of passing the Refresher Course at Kot Lakhpat or Lyallpur ? If so, why ? If so, will Government be pleased to state the reasons as to why the Refresher Course examination which was an additional one was fixed as final for the temporary clerks and failures in it were discharged ?

**Mr. P. R. Rau** : I have called for information and will lay a reply on the table of the House in due course.

**POSTS OF CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

735. \***Sardar G. N. Mujumdar** : (a) Is it a fact that the posts of Controllers in the Moradabad Division, East Indian Railway, are prized posts reserved exclusively for the Anglo-Indian community ? If not, will Government please state :

- (i) whether any vacancy amongst the Controllers occurred during the period 1st January, 1923, to 31st July, 1934 ;
- (ii) the names of the recipients of vacant posts during the said period ;
- (iii) the posts held by the recipient prior to their appointment in the Control Office ;
- (iv) the pay, exclusive of any allowance, drawn last ;
- (v) the procedure adopted for such appointments ;
- (vi) the reasons under which no Indian Section Controller was appointed : and
- (vii) whether the rights and privileges of Indian Section Controllers were superseded by such direct appointments ; if so, to what extent and how Government compensated them. if not, why not ?

(b) Is it a fact that the posts of Controllers in the Moradabad Division, East Indian Railway, are held by Anglo-Indians, since 1923 ? If not, will Government please state the names, the community and the date of appointment of the holders of the posts since 1923 to date together with the dates of appointment as Section Controllers ?

(c) Is it a fact that the present Indian Section Controllers were superseded by the junior Anglo-Indians, when ever any vacancy amongst the Controllers, Moradabad Division, East Indian Railway, occurred ? If so, why ? If not, will Government please state the names, the community, and the dates of appointment of the Section Controllers since 1st January, 1923, till 31st July, 1934 ?

**Mr. P. R. Rau** : Government regret they cannot undertake to collect the information asked for which covers a period of nearly twelve years. They are, however, enquiring into the substantial allegations of racial discrimination made in the question and will lay a reply on the table in due course.

**POSTS OF CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

736. \***Sardar G. N. Mujumdar** : (a) Have Government perused the Classified List of the East Indian Railway ? If so, will they please state the reasons how and why supersessions amongst Section Controllers, Moradabad Division, occurred, viz., page 245 of the Classified List corrected up to 1st January, 1926, pages 126 and 127 of the Classified List corrected up to September, 1929, and unpublished seniority list (combined) of April, 1934 ?

(b) Is it a fact that whenever any vacancy amongst Controllers occurred, some Guards or others were imported in and appointed, instead of promoting senior Section Controllers ? If so, why ?

**Mr. P. R. Rau** : Government have no information and are not prepared to interfere in these matters of detail, but I have sent a copy of the question to the Agent, East Indian Railway, for his information and such action as he may consider necessary.

**VACANCY AMONGST CONTROLLERS IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.**

737. \***Sardar G. N. Mujumdar** : Is it a fact that a vacancy amongst Controllers in the Moradabad Division, East Indian Railway, occurred in July 1934 ? If so, who was appointed, and what are his qualifications ?

**Mr. P. R. Rau** : Government have no information.

**ESTABLISHMENT OF A HIGH COURT IN THE CENTRAL PROVINCES.**

738. \***Mr. S. G. Jog** : (a) Will Government please state whether they have received any proposals from the Government of the Central Provinces in the matter of the establishment of the chartered High Court in that province ? If so, have Government formed any definite views in that respect ?

(b) Is it not a fact that the sanction of the Government of India is necessary for the establishment of such High Court, or whether it is entirely in the power of the Local Government ?

(c) If Government have formed any views in this respect, will they please state what will be the position of Berar and what steps will be taken to safeguard the interests of Berar ?

**The Honourable Sir Henry Craik** : (a) Yes. The matter is under correspondence with the Secretary of State.

(b) The sanction of the Secretary of State and of the Government of India is required to the establishment of a High Court.

(c) The intention is to extend the jurisdiction of the High Court, if and when established, to Berar under the Indian (Foreign Jurisdiction) Order in Council, 1902.

**Mr. S. G. Jog** : May I know by what process this High Court will be established, whether under the Letters Patent or by a Statute or by any Bill in this House ?

**The Honourable Sir Henry Craik** : By Letters Patent.

**PROTECTION OF THE INTERESTS OF INDIAN SHIPPING.**

**739. \*Mr. S. G. Jog :** (a) Are Government aware that a regular competition is going on between the foreign shipping interests and the small Indian steamship companies plying on the coast of India ?

(b) Are Government aware that on account of this freight war the Indian shipping concerns are working at a loss ?

(c) Is it not a fact that Government have received representations in this matter from the shipping interests and the Indian Merchants Chamber of Bombay, asking for Government intervention in the matter of protecting the Indian shipping interests ?

(d) Is it not a fact that in October, 1932, the Viceroy gave an assurance to the deputation of the shipowners that their interests would be protected in case of freight war ?

(e) Will Government please state the steps they propose to take for protecting the interests of the Indian shipping interests, and when ?

**The Honourable Sir Joseph Bhore :** (a) and (b). Government have received representations to this effect, but they understand that the rate-war started between the Conference Lines and the Asiatic Steam Navigation Company.

(c) Yes.

(d) I am not aware that such an assurance was given by His Excellency the Viceroy.

(e) The question is receiving the consideration of the Government of India.

**Mr. S. G. Jog :** Is the Honourable Member aware that in the year 1932 a deputation waited upon His Excellency the Viceroy ?

**The Honourable Sir Joseph Bhore :** I do not remember the exact time, but certainly a deputation did wait upon His Excellency within the last year or so.

**Mr. S. G. Jog :** And the Viceroy gave some sort of an assurance that the interests will be protected ?

**The Honourable Sir Joseph Bhore :** I was present at that interview, but I cannot remember that any such assurance as that indicated by my Honourable friend's question was given.

**Mr. Vidya Sagar Pandya :** Have Government received any representation from the Malabar Chamber of Commerce about such competition on the West Coast ?

**The Honourable Sir Joseph Bhore :** I think it very likely that it has been received.

**PROMOTION OF SECTION CONTROLLERS IN THE MORADABAD DIVISION,  
EAST INDIAN RAILWAY.**

**740. \*Mr. S. G. Jog :** (a) Is it a fact that no Section Controller (Rs. 200—10—300) holding appointment since July, 1924 and drawing maximum of their scale of pay, was ever promoted to the vacancy of a Controller, Moradabad Division, East Indian Railway ? If so, why, and

will Government please state the proper avenue of promotion of a Section Controller ?

(b) If the post of a Controller is a selection one, will Government please state :

- (i) when the selections were made ;
- (ii) the name of the officers forming the Selection Boards ;
- (iii) the names of the candidates who appeared before each Selection Board ;
- (iv) the name of the applicants who applied for the posts and who were sent for to appear before the Selection Boards ;
- (v) the reasons, special, ordinary or extraordinary, if any, recorded by the Selection Boards on each appointment ; and
- (vi) the reasons recorded by the Selection Boards on each disqualification of Section Controllers ?

(c) Is the Guard, appointed as Controller in July, 1934, an Anglo-Indian ? If so, was he ever punished for corruption, or removed from the post of Section Controller and Assistant Station Master ?

(d) Was the Guard, appointed as Controller in July, 1934, restored to the post of Section Controller on expiry of his punishment ? If so, on which date and by what authority ?

(e) What was the position of the Guard, appointed as Controller in July, 1934, amongst the Section Controllers on the 1st July, 1934, on the 1st April, 1934 and on the 1st October, 1933, respectively ?

(f) Will Government please lay on the table a copy of the proceedings of the Selection Boards held to select for the appointments of Controllers ? If not, why not ?

**Mr. P. R. Rau :** Government have no information and are not prepared to interfere in these matters of detail which are within the competence of the Local Railway Administrations, but I have sent a copy of the question to the Agent, East Indian Railway, for his information.

#### APPOINTMENT OF A GUARD AS ON SPECIAL DUTY UNDER THE TRANSPORTATION SUPERINTENDENT ON THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

741. **\*Mr. S. G. Jog :** Is it a fact that a guard, brother of a Traffic Inspector, Moradabad Division, East Indian Railway, is attached to the Transportation Superintendent on special duty ? If so, will Government state (i) the nature of special duty, (ii) whether there is no Traffic Inspector efficient to carry on the special work of time-tables, (iii) whether any clerk was available, (iv) the rate of pay he is paid and from which cadre, and (v) whether it is not against the orders of the Railway Board that no staff should be utilized for any other duty except his legitimate duty of the class in which he holds an appointment ? If so, what action has been taken by the Railway Board on the disobedience of their orders ?

**Mr. P. R. Rau :** Government have no information. These matters are within the competence of the Agent and Government are not prepared to interfere. The circumstances alleged in the question do not justify the inference that the orders quoted have not been followed.

ENQUIRY INTO THE STATE OF AFFAIRS IN THE MORADABAD DIVISION,  
EAST INDIAN RAILWAY.

742. \*Mr. S. G. Jog : Are Government aware of the height of favouritism and coercion prevailing in the Moradabad Division, East Indian Railway, and if so, do they propose to hold an independent and impartial enquiry into the state of affairs in the Moradabad Division ? If not, why not ?

Mr. P. R. Rau : Government have received no complaints or memorials from the staff that corroborate the allegations in this question. They have sent a copy of the question to the Agent, East Indian Railway, to consider whether an enquiry or any other special action is necessary.

Dr. Ziauddin Ahmad : Will Government be pleased to send the questions asked about the Moradabad Division to the Agent of the East Indian Railway and ask him to make a special enquiry in view of the fact that there are more questions about the Moradabad Division than there are about all the remaining five Divisions of the East Indian Railway ?

Mr. P. R. Rau : I shall be pleased to do so.

SAFEGUARDING OF THE INTERESTS OF THE SMALL STEAMSHIP COMPANIES.

743. \*Mr. Rahimtoola M. Chinoy : (a) Are Government aware that what is known as a "rate-war" is going on between shipping companies engaged in the coastal trade of India ? If so, will Government be pleased to state :

(i) the names of the contesting Companies ; and

(ii) the causes of this "rate-war" ?

(b) Will Government be pleased to lay on the table a statement showing the comparative rates of freight for the Coastal ports during the last five years ?

(c) Will Government be pleased to state whether they have received any representations in this connection from small steamship companies, drawing their attention to this unhealthy competition resulting in crippling the resources of small steamship companies ? If so, what steps have Government taken, or propose to take, to safeguard the interests of these small steamship companies ?

The Honourable Sir Joseph Bhore : (a) Government have received representations to the effect that a rate-war is in progress between the Conference Lines and the Asiatic Steam Navigation Company. They have no official information as to the causes of this rate-war, but it is to be presumed that it has arisen from the desire of the competing companies to increase or maintain their respective shares of the coastal trade.

(b) Enquiries are being made and a statement furnishing the information required will be laid on the table in due course.

(c) Yes. The question is receiving the consideration of the Government of India

**ABOLITION OF TRAVELLING TICKET EXAMINERS' CADRE ON THE NORTH WESTERN RAILWAY.**

**744. \*Sardar Sant Singh :** (a) Will Government be pleased to state whether the Agents of State Railways are empowered to initiate and effect changes in the ' State Railways Open Line Code Volumes ', without obtaining previously the sanction of the Railway Board ? If not, did the Agent North Western Railway obtain any sanction from the Railway Board to make alterations in para. 362 of the ' Open Line Code, Volume II ', while abolishing the Travelling Ticket Examiners' cadre ?

(b) If the sanction, referred to in part (a), was obtained, will Government be pleased to place on the table of this House a copy of the letter under which the sanction was accorded ?

**Mr. P. R. Rau :** (a) and (b). I would refer the Honourable Member to the reply given by me on the 6th August, to question No. 351 put by Khan Bahadur Ilaji Wajihuddin.

**MILEAGE ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.**

**745. \*Sardar Sant Singh :** (a) Is it a fact that after the transfer of the Travelling Ticket Examiners to the cadre of the Special Ticket Examiners, *vide* Agent, North Western Railway's letter No. 818-B/47, dated the 26th May, 1932, the old Travelling Ticket Examiners (now Special Ticket Examiners) have still to perform duties in the moving trains as before ? If not, will Government be pleased to place on the table of this House a copy of the working programmes of the old Travelling Ticket Examiners (now Special Ticket Examiners) on the whole of the North Western Railway for the months of January to April, 1934 ?

(b) If the old Travelling Ticket Examiners still continue to perform the duties on moving trains, will Government please quote the rules under which the Agent, North Western Railway, has withdrawn the mileage allowance from the old Travelling Ticket Examiners ?

(c) Will Government be pleased to state the regulations and circumstances under which the Travelling Ticket Examiners were entitled at first to draw mileage allowance, giving precisely the nature of the duties performed by them and the other posts which carry this allowance and why ?

(d) Are Government aware that the Travelling Ticket Examiners have been deprived of 50 to 70 per cent. of their emoluments by the mere transference of their cadre to that of the Special Ticket Examiners ? Will Government be pleased to quote any other instance where reduction by such a proportion has been effected without consequent changes in the nature of duties ?

**Mr. P. R. Rau :** (a) and (b). The posts of Travelling Ticket Examiners were abolished and staff employed as such were offered and accepted posts of Special Ticket Examiners. Government understand the duties of the two posts are not identical. Copies of the working programmes of Travelling Ticket Examiners are not available with Government, and it is not considered that any useful purpose will be served by obtaining such copies and placing them on the table of the House.



(c) This appears to have been the practice for some time on the North Western Railway. Government do not consider it necessary to ascertain when and how it originated. The duties of Travelling Ticket Examiners consisted in checking tickets of passengers in trains and collecting the charges due from passengers found travelling without proper tickets. The other posts which carry mileage allowance are those of the engine staff, Assistant or Conductor Guards, Brakesmen and in some cases Road Van Clerks.

(d) As I have already stated in reply to part (a) of this question, Travelling Ticket Examiners were not transferred to the posts of Special Ticket Examiners and the duties of the two posts are not the same. The latter part of the question does not, therefore, arise.

**Sardar Sant Singh :** May I know whether it is a fact or whether it is not a fact that the duties of the two posts are identical ?

**Mr. P. R. Rau :** I have just now stated that Government have been informed that the duties of the two posts are not identical.

**Sardar Sant Singh :** In what respects do the duties differ ?

**Mr. P. R. Rau :** If my Honourable friend will put a question on the notice paper, I shall be glad to obtain from the North Western Railway a complete statement of the duties of the two classes and as to the circumstances in which the duties differ.

**Sardar Sant Singh :** Is it not a fact that this question has been pending for the last four years and a claim has been made by the Travelling Ticket Examiners that the duties are identical ?

**Mr. P. R. Rau :** The question has been pending mainly because my Honourable friend persists in asking questions in this House. I am afraid, I cannot prevent him from doing that.

#### STRENGTH OF THE TRAVELLING TICKET EXAMINERS' CADRE ON THE NORTH WESTERN RAILWAY.

746. **\*Sardar Sant Singh :** Will Government please state the sanctioned strength of the Travelling Ticket Examiners' cadre on the North Western Railway, of each class and grade on the 31st May, 1931 ?

**Mr. P. R. Rau :**

Special class.	Grade II.	Grade I.	Total.
Rs.	Rs.	Rs.	
190—10—210	100—10—180	50—5—95	....
5	27	95	127

#### AGREEMENTS SIGNED BY TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

747. **\*Sardar Sant Singh :** (a) Is it a fact that on the abolition of the Travelling Ticket Examiners cadre and its consequent transfer to that of the Special Ticket Examiners, the Travelling Ticket Examiners were asked to sign new agreements ?

(b) Does the signing of new agreements signify that the previous service agreements are cancelled ?

(c) If the reply to part (b) be in the affirmative, will Government please place on the table of this House such agreements, together with the list of old Travelling Ticket Examiners (now Special Ticket Examiners) who signed them ? If no new agreements were required to be signed, why are not the old Travelling Ticket Examiners entitled to the same mileage allowance according to the old agreements and para. 362 of the Open Line Code, Volume II ?

**Mr. P. R. Rau :** With your permission, Sir, I propose to reply to questions Nos. 747, 749 and 751 together.

I have called for certain information and will lay a reply on the table of the House in due course.

#### REFUSAL BY OLD TRAVELLING TICKET EXAMINERS TO ACCEPT THE OFFER OF SPECIAL TICKET EXAMINERS' POSTS ON THE NORTH WESTERN RAILWAY.

748. **\*Sardar Sant Singh :** (a) With reference to the reply to Question No. 474, will Government please state whether some of the old Travelling Ticket Examiners of the several divisions refused to accept the offer of Special Ticket Examiners posts on the abolition of the cadre ? If not, will Government please lay on the table copies of the declaration, signed by the Travelling Ticket Examiners of Rawalpindi and Multan Divisions, for instance, for the information of this House ?

(b) Will Government please state whether Travelling Ticket Examiners of other Divisions similarly did not communicate their acceptance of Special Ticket Examiners' post offered to them from the 1st June, 1931 ? If not, will Government please state how many old Travelling Ticket Examiners of the North Western Railway actually accepted this offer and how many of them did not intimate their acceptance ?

**Mr. P. R. Rau :** (a) and (b). I have already informed the Honourable Member in reply to his question No. 474 referred to that Government have been informed that all the men to whom the offer was made accepted it. Government do not consider that any useful purpose will be served by obtaining and laying on the table of the House copies of the replies received from the staff in connection with the offers made to them.

#### HOUSE RENT PAID TO CERTAIN SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†749. **\*Sardar Sant Singh :** Is it a fact that the North Western Railway authorities have decided that the Special Ticket Examiners' post should not carry house-rent or rent-free quarters ? If so, will Government please state the reasons for paying the house rent to some of the Special Ticket Examiners in Multan, Rawalpindi, Ferozepore and Delhi Divisions of the North Western Railway and for not paying the same to all the Special Ticket Examiners who have previously held posts carrying house-rent allowance prior to the 1st August, 1928, *vide* Government's answer to question No. 1379, dated the 11th December, 1933 ?

#### DUTIES OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

750. **\*Sardar Sant Singh :** (a) Is it a fact that the Guards of the North Western Railway are deputed to perform station duty ? If so, what allowances are paid to them in such cases ?

†For answer to this question, see answer to question No. 747.

(b) Were the Travelling Ticket Examiners ever put to work at stations prior to the 1st June, 1931? If so, what allowances were paid to them on such occasions?

(c) Will Government be pleased to state what difference there is between the duties of the present Special Ticket Examiners, working at stations, and the old Travelling Ticket Examiners performing duties prior to the 1st June, 1931, at stations?

**Mr. P. R. Rau :** (a) Yes. Mileage allowance is paid in such cases.

(b) Government have no information.

(c) I would refer the Honourable Member to the information laid on the table of the House in reply to parts (b) and (d) of his question No. 472 asked on the 4th September, 1933.

#### HOUSE RENT PAID TO CERTAIN TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

†751. \***Sardar Sant Singh :** (a) Is it a fact that Messrs. :

- |                     |                        |
|---------------------|------------------------|
| 1. Khushal Chand I. | 10. Mohammad Ali.      |
| 2. Radha Kishan.    | 11. Barkat Ali.        |
| 3. Brij Lall.       | 12. Haveli Ram.        |
| 4. Devi Dass.       | 13. Jagat Ram.         |
| 5. Bashamber Dass.  | 14. Jewan Singh.       |
| 6. Hukam Chand.     | 15. Mohan Lal.         |
| 7. Lall Chand.      | 16. Abdul Rahman I.    |
| 8. Abdul Rahman.    | 17. Khushal Chand II.  |
| 9. Abdul Aziz.      | 18. Khushal Chand III. |

were working as Travelling Ticket Examiners on the North Western Railway on the 1st August, 1928?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if it is a fact that the first ten Special Ticket Examiners are getting house-rent from the 1st June, 1931, the date on which their posts were converted from Travelling Ticket Examiners into Special Ticket Examiners? If so, will Government please state why this house-rent is withheld from the remaining eight men? Were they all in one and the same list of Travelling Ticket Examiners? What are the reasons for this differential treatment?

#### GRACE TIME ALLOWED TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

752. \***Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that ten minutes grace time in attendance, enjoyed by the Press employees in Government Presses, has been withdrawn and they are penalised for late attendance, even for one or two minutes, by deductions in their earnings or leave account?

(b) Are Government aware that the Simla Government Press is situated very far from main Simla and this being a hilly place, Press employees live at a distance of from two to five miles from the Press, having not been provided with Government quarters, and they find no cheap conveyance in Simla?

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†For answer to this question, see answer to question No. 747.

(c) Are Government prepared to reconsider the matter and allow the grace time to the Simla Government Press employees ?

**The Honourable Sir Frank Noyce :** (a) The period of grace has been withdrawn, but late attendances up to a limit of four per mensem may be excused at the discretion of the Managers. Late attendances, which are due to unavoidable causes of a general and serious character, may also be excused at the discretion of the Managers without regard to the limit mentioned above.

(b) Government do not consider that the Simla Press employees are subject to any special hardships by reason of the location of the Press.

(c) Government consider that the present orders in regard to grace time, which were passed after very careful consideration, are fair and reasonable and do not propose to modify them.

#### REDUCTION IN THE WORKING TIME OF THE INDUSTRIAL HANDS IN THE GOVERNMENT OF INDIA PRESS.

**753. \*Mr. D. K. Lahiri Chaudhury :** Are Government aware that it has been enacted in the current Assembly session to reduce the time of the industrial hands from 60 to 54 hours in a week ? If so, will Government be pleased to state whether the reduction of six hours is to be made up in the working hours or in the overtime attendance ?

**The Honourable Sir Frank Noyce :** If the Honourable Member's enquiry refers to the hours of work in the Government of India Presses, the answer is that the Government of India do not propose to reduce the ordinary working hours which are 48 a week and that the provisions of the new Act will be met by reducing the permissible maximum hours of extra work from 12 to 6.

**Mr. D. K. Lahiri Chaudhury :** The Honourable Member does not seem to have given a reply to the latter part of the question which reads :

“ If so, will Government be pleased to state whether the reduction of six hours is to be made up in the working hours or in the overtime attendance ? ”

The answer which the Honourable Member gave was not clear.

**The Honourable Sir Frank Noyce :** My answer is perfectly clear. I shall read it again :

“ If the Honourable Member's enquiry refers to the hours of work in the Government of India Presses, the answer is that the Government of India do not propose to reduce the ordinary working hours which are 48 a week and that the provisions of the new Act will be met by reducing the permissible maximum hours of extra work—in other words, the overtime work—from 12 to 6.”

**Mr. S. G. Jog :** May I know whether the rules about working hours will be applied to the Secretariat of the Government of India ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That does not arise.

#### LEAVE DUE TO SUSPECTED LEAD-POISONING TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

**754. \*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that under recent orders of Government all the employees of the Government

Presses are to be examined twice a year to see whether they are affected by lead-poisoning or not to avoid any compensation being given to any employee ?

(b) Is it a fact that some men of the Simla Government Press have been sent out on leave under the doubt of lead-poisoning as reported by the Press Doctor ?

(c) Are Government aware that the men on leave on account of this doubt are granted leave at their credit and special leave is not allowed as a result of which they are being put to a great loss in the matter of leave which was accumulated for other purposes ?

(d) Will Government be pleased to lay on the table a statement showing the number of men on such leave and of those on leave on clear signs of lead-poisoning ; and to state the rules and amount payable to a workman reported unfit for service on account of lead-poisoning, quoting any instance of this nature in any of the Government Presses which caused Government to pay any amount on this account ?

**The Honourable Sir Frank Noyce :** (a) The medical examination is restricted to industrial workers who come into contact with lead or lead fumes and is intended to prevent the occurrence of lead poisoning in the Government of India Presses.

(b) Yes.

(c) The kind of leave to be granted to press employees in such cases is under the consideration of Government.

(d) Three men are on leave from and one is on change of duty in the Simla Press under suspicion of lead-poisoning. No one is on leave on account of clear signs of lead-poisoning. Payment of compensation is made in accordance with the provisions of the Workmen's Compensation Act. The total amount paid on this account during the four years 1930-31 to 1933-34 has been Rs. 14,638 in seven cases.

#### TIME OF THE CLERICAL STAFF OF THE GOVERNMENT OF INDIA PRESSES.

755. **\*Mr. D. K. Lahiri Chaudhury :** (a) Is it a fact that the time of the clerical staff of the Government Presses is from 10 A.M. to 5 P.M. against the time 10 to 4 or 10-30 to 4-30 in all other Government offices including the office of the Controller of Printing ?

(b) Is it a fact that the clerks of Government Presses submitted many memorials in the past for the reduction of time to bring them to the same footing as the clerks of other offices but their request was not granted for reasons unknown ?

(c) Are Government prepared to look into the matter and find their way to grant them their request ?

**The Honourable Sir Frank Noyce :** (a) The hours of attendance are from 10 a.m. to 5 p.m. on Monday to Friday, inclusive of a recess interval of half an hour, and from 10 a.m. to 2 p.m. on Saturday, without a recess interval. The hours of attendance in other Government of India offices are generally, I believe, from 10-30 a.m. to 4-30 p.m. These are the hours of attendance in the Controller's office.

(b) and (c). A petition was received by Government in 1921 from the clerical staff of the Government of India Press, Calcutta. A petition

was also received by the Controller from the staff of the Government of India Press, Delhi. These were rejected. I understand that further memorials have recently been received by the Controller from the clerical staff of the Delhi and Simla Presses. These memorials are under the consideration of the Controller.

**NON-OBSERVANCE OF LAST SATURDAY AS A HOLIDAY IN THE GOVERNMENT OF INDIA PRESSES.**

**756. \*Mr. D. K. Lahiri Chaudhury :** Is it a fact that last Saturdays are not allowed in Government Presses but all other Government offices enjoy this concession by turns ? If so, are Government prepared to issue necessary instructions to the Controller of Printing to instruct the Managers of the Government Presses to allow this concession by turn classes after making adequate arrangements so that Government work may not suffer ?

**The Honourable Sir Frank Noyce :** The rule which applies to the Government of India Secretariat is that the head of a department may give the last Saturday of a summer month as a holiday, if there has been no closed holiday during the month. This rule does not apply to Government of India offices generally. It does not apply to the Presses, which have their own rules regarding holidays. Government do not propose to alter their present rules in this respect.

**IRON RACKS COLLAPSED IN THE CENTRAL PUBLICATION BRANCH.**

**757. \*Mr. D. K. Lahiri Chaudhury :** (a) Will Government state whether it is a fact that the steel racks heavily laden with thousands of Government publications stored in the Central Publication Branch collapsed completely of late in two stock rooms of the office ?

(b) If so, will Government state the extent of damage caused thereby ?

(c) Is it a fact that the Public Works Department and the firm of Messrs. Godrej Boyce and Company who installed these racks opined that the collapse was occasioned by the racks being filled with books beyond their capacity from the point of view of weight ?

(d) Is it a fact that in one of these rooms where the racks collapsed, the Posts and Telegraphs Section of the office was located ?

(e) Is it a fact that all the furniture used by the personnel of that section was smashed to matchwood and splinters ?

(f) Is it a fact that the collapse has done considerable damage to official publications ?

(g) What has been the expenditure for the clearance of debris ? Have the racks been reinstalled ? If so, what has been the expenditure on that account ?

(h) Is it a fact that the steel racks in other stock rooms are also liable to collapse ?

(i) Will Government state whether it is a fact that the indent pickers and clerks have very often to work inside these racks ?

(j) Will Government state whether the strength of these racks has been thoroughly examined by experts to prevent any catastrophe that may entail loss of human lives as a result of collapse ?

**The Honourable Sir Frank Noyce :** (a), (c) and (d). Yes.

(b) and (e). Apart from the damage to the racks, some tables and chairs were broken.

(f) and (i). No.

(g) The expenditure on clearance of debris was Rs. 120. The racks have been installed in one of the store rooms, but information regarding the expenditure incurred on this account is not yet available.

(h) and (j). The racks have been inspected by a representative of Messrs. Godrej Boyce and Company in company with officials of the Central Public Works Department and all reasonable precautions have been taken to prevent other racks from collapsing.

#### DAMAGE OF PUBLICATIONS STOCKED IN THE CENTRAL PUBLICATION BRANCH.

758. \***Mr. D. K. Lahiri Chaudhury :** (a) Will Government state whether it is a fact that the publications stocked in the Central Publication Branch are mostly damaged by insects and the leather covers are deshaped ?

(b) Is it a fact that the Central Publication Branch has very often to encounter complaints from the public and agents for the supply of damaged books ?

(c) Are Government aware that during the rains the records and publications of the office became drenched in rain that oozed through the many leakages and holes in the corrugated roofs ?

(d) Are Government aware that some of the walls of the Central Publication Branch Office building are very weak and likely to tumble down ?

(e) Will Government state the number of kinds of publications disposed of as waste paper in the course of the last four months ?

(f) What is their total value on the basis of their published prices ?

(g) What is the amount credited to Government by their sale as waste paper ?

(h) Will Government furnish comparative statistics of expenditure on this account during the last four financial years ?

**The Honourable Sir Frank Noyce :** (a) No.

(b) No : such complaints are infrequent.

(c) and (d). No.

(e) 507.

(f) Rs. 21,732.

(g) Rs. 93.

(h) The value of all the publications destroyed as waste paper according to their published prices was :

					Rs.
1930-31	..	..	..	..	19,449
1931-32	..	..	..	..	2,53,315
1932-33	..	..	..	..	4,58,743
1933-34	..	..	..	..	32,379
					<hr/> 7,63,886 <hr/>

The saving which would have accrued to Government if these copies had not been printed would of course have been only a fraction of this amount.

INCREASE OF WORK IN THE CENTRAL PUBLICATION BRANCH.

759. \*Mr. D. K. Lahiri Chaudhury : (a) Is it a fact that the practice of entertaining men on daily wage basis was stopped under Government orders in the Central Publication Branch with effect from February, 1934 ?

(b) Are Government aware that the staff of the Central Publication Branch are extremely overworked ?

(c) Is it a fact that the work of the office has gone on increasing while no arrangements have been made for increase of staff to cope with the work ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). No.

STAFF IN THE CENTRAL PUBLICATION BRANCH.

760. \*Mr. D. K. Lahiri Chaudhury : (a) Is it a fact that the Controller of Printing and Stationery in getting the move of the Central Publication Branch to Delhi sanctioned committed himself to the proposition that the move would dispense with the necessity for increase of staff ?

(b) Are Government aware that the scourge of malaria in the region where they have been housed exists with great virulence ?

(c) Are Government aware that most of the staff have to work on holidays even on Sundays and after office hours and it has been practically impossible to maintain the work up-to-date ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) No. The locality is healthy except during the malarial season which, in Delhi, is usually of short duration.

(c) The reply to the first part is in the negative. As regards the second part, my information is that the work in the Central Publication Branch is more up-to-date now than it has been for a very long time past.

PERSONS DETAINED UNDER REGULATION III OF 1818 AND RELEASED SINCE THE DISCONTINUANCE OF THE CIVIL DISOBEDIENCE MOVEMENT.

761. \*Mr. Sitakanta Mahapatra : Will Government be pleased to state the names of those persons who were detained under Regulation III of 1818 but who have been released since the discontinuance of the civil disobedience movement ?

The Honourable Sir Henry Craik : Four State prisoners have been released, namely, Qazi Ata Ullah Khan, Saadullah Khan, Kheali Ram Gupta and Bhag Ram.

Mr. Sitakanta Mahapatra : Has their release any connection with the suspension of the Civil Disobedience Movement.



**The Honourable Sir Henry Craik :** In two cases it has some connection.

JUDGMENT BY THE HONOURABLE MR. S. K. SINHA, CHIEF PRESIDENCY MAGISTRATE, CALCUTTA, AGAINST MR. HALES, A MEMBER OF PARLIAMENT.

762. \***Mr. S. C. Mitra :** (a) Is it a fact that questions were asked in the House of Commons regarding the judgment passed by the Honourable Mr. S. K. Sinha, the Chief Presidency Magistrate, Calcutta, against Mr. Hales a Member of Parliament ?

(b) Will Government be pleased to place on the table all communications that passed between the Government of India and the Secretary of State on the subject ? If not, why not ?

(c) Are Government aware of the public feeling that the Government of India in this particular case went against the Magistrate because he is an Indian who had the temerity to pass strong judgment against an European Member of Parliament ?

(d) Will Government be pleased to state the percentage of cases in which judgments passed by European Presidency Magistrates have been superseded by higher authorities and High Courts ?

(e) Will Government be pleased to state how such percentages compare with the percentage of cases where judgment of Honourable Mr. Sinha have been revised by higher authorities and High Courts ?

(f) Do Government propose to uphold the prestige of the Indian Magistracy and Judges by supporting the conduct of their officials in such cases where they passed independent judgments irrespective of whether the persons concerned are Members of Parliament or private individuals ?

(g) Are Government aware of the Indian public opinion extolling such magistrates who pass independent judgments against a Member of Parliament ? If not, do they propose to enquire into the matter ? If not, why not ?

**The Honourable Sir Henry Craik :** (a) Yes.

(b), (c) and (f). The Government of India recently received from the Secretary of State copies of questions and answers in the House of Commons on the subject together with a request for a report on the facts from the Government of Bengal. I place on the table copies of those questions and answers from which it will be seen that the question whether there is a case for enquiry is a matter for the consideration of the Government of Bengal. The Local Government's report is awaited.

(d) and (e). The information is not readily available and I am not prepared to ask the Government of Bengal to collect it.

(g) I have seen some criticisms in the Press on the questions asked in the House of Commons.

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*Question No. 33, dated 24th July, 1934.*

**Mr. Hall-Caine.**—To ask the Secretary of State for India, if he is aware that many serious complaints have been made against the unfair decisions of the Honourable S. K. Sinha, the chief presidency magistrate of Calcutta, such as the bullying of witnesses, and the unfair treatment of counsel, resulting in many applications for

the transference of cases to another court; and will he make arrangements for a searching inquiry to be made with the least possible delay in the interests of British subjects residing within the jurisdiction of the chief presidency magistrate.

*Question No. 40, dated 24th July, 1934.*

**Mr. Wedgwood.**—To ask the Secretary of State for India, whether his attention has been directed to a charge, proved to be false, made by the Calcutta Chief Presidency Magistrate against the Honourable Member for Hanley, a charge for which, on appeal being made to the Calcutta High Court, the magistrate was severely censured by the high court judges; and whether an inquiry will be made into the magistrate's conduct.

*Answer to Mr. Hall-Caine's question No. 38 and Mr. Wedgwood's question No. 40, dated the 24th July, 1934.*

**Mr. Butler.**—I will reply to questions 38 and 40 together.

I have seen a report in the Press that the findings of the Chief Presidency Magistrate, Calcutta, in the case mentioned by the Right Honourable Member for Newcastle-under-Lyme were criticised by the Calcutta High Court. I have no information regarding the complaints referred to in the other question.

The question whether there is a case for inquiry is a matter for the consideration of the Government of Bengal.

#### *Supplementary Questions.*

**Colonel Wedgwood.**—May I ask whether magistrates are entitled to make serious charges against Members of this House with impunity, more particularly when those charges are proved to be entirely unfounded?

**Mr. Butler.**—I have only hitherto seen a Press report of this matter. If the Honourable and gallant Member so desires I am ready to ask for a report from India on the facts. Naturally, I congratulate the Honourable Member for Hanley (Mr. Haies) on his appeal.

**Colonel Wedgwood.**—Will the Honourable Gentlemen remember that it is the business of the Government, if I may say so, to defend the honour of this House?

**Mr. Michael Beaumont.**—Is the Honourable Gentleman aware that at the time when the strictures were made they caused considerable comment in India, and did a great deal of harm to this House in India, and will he give this matter his most careful consideration with a view to seeing whether anything can be done to defend the honour of this House?

**Mr. Butler.**—I have already informed the Honourable and gallant Gentleman who put the question that I am willing to ask for a report on the facts. The question of whether a further inquiry arises on the facts is a question for the Government of Bengal. In reply to the Honourable Member for Aylesbury (Mr. M. Beaumont), I have already said that I am glad the Honourable Member for Hanley won his appeal.

*Question No. 23, dated 25th July, 1934.*

**Mr. Herbert Williams.**—To ask the Secretary of State for India, whether he is aware that in the case of Rabindra Nath Dhar *versus* the King Emperor, in the Calcutta High Court, the appellant's counsel accused the Honourable S. K. Sinha, the Calcutta Chief Presidency Magistrate, of tampering with the records and interpolating certain words in evidence not previously recorded; and will he make representations that inquiries should be instituted into the allegations made against the said magistrate.

*Answer to Mr. Herbert Williams' question No. 23, dated 25th July, 1934.*

**Mr. Butler.**—I have no information about this case and I have nothing to add to the replies given to the Right Honourable the Member for Newcastle-under-Lyme and the Honourable Member for East Dorset yesterday.

#### *Supplementary Questions.*

**Mr. Williams.**—Is it not the case that there have been a great number of complaints against this magistrate, and, in view of that, is my Honourable friend considering whether he should take any action?

**Mr. Butler.**—As I informed the Right Honourable and gallant Member for Newcastle-under-Lyme and my Honourable Friend the Member for East Dorset yesterday, we have undertaken to make an inquiry into the facts, and, until we have received that report, I think it would be unwise to come to any decision.

*Question No. 60, dated 26th July, 1934.*

**Mr. McEntee.**—To ask the Secretary of State for India, if he will at the earliest opportunity institute an inquiry as to the alleged serious irregularities in the administration of justice in Calcutta police court by the Honourable S. K. Sinha, Chief Presidency Magistrate, particularly in regard to the large percentage of appeals to the High Court where his decisions have been reversed.

*Answer to Mr. McEntee's question No. 60, dated 26th July, 1934.*

**Mr. Butler.**—I have nothing to add to the answers given to the Right Honourable the Member for Newcastle-under-Lyme and the Honourable Member for East Dorset on the 24th July.

#### *Supplementary Questions.*

**Mr. McEntee.**—What is the actual percentage of cases heard by the Chief Magistrate which have been reversed on appeal?

**Mr. Butler.**—I have not that information. Perhaps the Honourable Member will put down a question.

**Mr. McEntee.**—Have 75 per cent. of these cases in fact been reversed?

**Mr. Butler.**—I have informed the Honourable Member that I have no information on the subject.

**Major Jesson.**—Is not this gentleman now in London and could he not be taken to the India Office and taught his duties?

**Diwan Bahadur A. Ramaswami Mudaliar :** Is there any peculiar privilege for a Member of Parliament when he visits this country, with reference to criminal proceedings?

**The Honourable Sir Henry Craik :** None that I am aware of.

**Diwan Bahadur A. Ramaswami Mudaliar :** Does the Honourable Member realise that in the questions that were asked in the House of Commons, a suggestion to that effect was conveyed by the questioners?

**The Honourable Sir Henry Craik :** I have got the questions and answers here, but I do not remember any suggestion to that effect, and I do not think there was any such suggestion.

**Diwan Bahadur A. Ramaswami Mudaliar :** On what subject does the Honourable Member expect a report from the Bengal Government with reference to this issue?

**The Honourable Sir Henry Craik :** On the matters raised in the questions in the House of Commons.

**Mr. S. C. Mitra :** Do Government realise that if they take special interest in the case of Members of Parliament and other high personages and ask for an explanation from the Local Governments or the Magistrates, as they are doing, in the case of Mr. Hales, M.P., it will interfere with the independence of the Magistrates and Judges in India who will hesitate to pass independent judgment on these high personages?

**The Honourable Sir Henry Craik :** No, Sir : the Government of India are not taking a special interest in this case, but they were asked, in consequence of questions and answers in the House of Commons, to request the Bengal Government to furnish a report.

**Diwan Bahadur A. Ramaswami Mudaliar :** On what subject ?

**The Honourable Sir Henry Craik :** On the subjects raised in the questions in the House of Commons which I am laying on the table.

**Diwan Bahadur A. Ramaswami Mudaliar :** But do not the judgment of the High Court and the judgment of the Chief Presidency Magistrate taken together furnish all the information that is available with reference to the case ?

**The Honourable Sir Henry Craik :** Very likely it does, but I have not yet seen the judgment of the High Court. I have only seen one sentence of it quoted.

**Diwan Bahadur A. Ramaswami Mudaliar :** Is my Honourable friend not aware that any inquiry into this matter or any explanation taken from the Magistrate will have a very deleterious effect on the nature of the judgments which Indian Magistrates will hereafter give with reference to cases like this where either a European is an accused or, even more, a Member of Parliament is an accused ?

**The Honourable Sir Henry Craik :** I am not aware that there is any intention of calling on the Magistrate for an explanation. We have merely asked the Government of Bengal for a report on the facts of the case.

**Mr. H. P. Mody :** Have Members of Parliament got any other privileges besides that of making silly speeches ? (Laughter.)

**The Honourable Sir Henry Craik :** Yes, Sir, they have certain privileges. I understand the traffic is stopped for them in the streets.

**Mr. H. P. Mody :** In India ?

**The Honourable Sir Henry Craik :** No, when they cross Parliament Square. (Laughter.)

**Sardar Sant Singh :** Will the Honourable Member take similar steps in asking for a report from the Local Governments when a Member of the Assembly is placed in the same position ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That is a hypothetical question.

**The Honourable Sir Henry Craik :** I trust that contingency will never arise.

**Sir Cowasji Jehangir :** The Honourable Member says he has asked for a report from the Government of Bengal. So far as I recollect, the insinuation in the questions asked in the House of Commons was that this particular Magistrate was prejudiced against Englishmen in particular. How is it possible for the Government of Bengal to report as to whether the Magistrate is prejudiced against a certain community or not, and what report can the Bengal Government give on the sort of questions that were asked in the House of Commons ?

**The Honourable Sir Henry Craik :** So far as I have read the questions asked in the House of Commons, there was no suggestion of racial

prejudice of that kind. And even if there were, I do not see why the Local Government should not be able, out of their own knowledge of the Magistrate's character and record, to say whether there was anything in them or not.

**Sir Cowasji Jehangir :** If the Local Government had any suspicion that the Magistrate was anti-British or anti-Hindu or anti-Moslem or anti-Christian, they ought not to have kept him there as a Magistrate. It must be presumed that they have no such suspicion from the fact that they have allowed him to stay in that responsible position.

**The Honourable Sir Henry Craik :** I quite agree with the Honourable Member, but as a matter of fact I cannot find that there is any hint of any such prejudice on the part of the Magistrate in any of the questions asked in the House of Commons.

**Sir Cowasji Jehangir :** If the Honourable Member will read the questions and answers, I think he will find that there is a very strong insinuation throughout the questions that this particular Magistrate was malicious in his judgment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Actually the question was this :

“ To ask the Secretary of State for India, if he is aware that many serious complaints have been made against the unfair decisions of the Honourable S. K. Sinha, the Chief Presidency Magistrate of Calcutta, such as the bullying of witnesses, and the unfair treatment of counsel ”, etc.

That was the charge against the Magistrate.

**Sir Cowasji Jehangir :** There are many supplementary questions.

**The Honourable Sir Henry Craik :** There was no suggestion of racial prejudice.

**Sir Cowasji Jehangir :** But what report can the Bengal Government give ? If they have no confidence in the man, he should have been got rid of. It is clear they have confidence in him, because they allow him to continue.

**The Honourable Sir Henry Craik :** I would suggest that we await the report of the Government of Bengal.

**Mr. Gaya Prasad Singh :** Do I understand that, before the Government of Bengal submit their report, they will ask the Magistrate why he passed the sort of remarks which he made or the sort of judgment which he wrote ?

**The Honourable Sir Henry Craik :** We have not made any suggestion that that should be done, but that is a matter within the discretion of the Government of Bengal. If they think it necessary to take the Magistrate's explanation, they will presumably do so. If they know from the Magistrate's previous record and character that the allegations made against him are unfair, they will presumably reply to that effect out of their own knowledge.

**Mr. K. C. Neogy :** Will the Honourable Member be pleased to lay the report of the Government of Bengal on the table when it is received ?

**The Honourable Sir Henry Craik :** I will consider that when I receive the report.

**Mr. Jagan Nath Aggarwal :** Does the Honourable Member realise that an inquiry like this is likely to have serious effects on the independence of the magistracy in this country ?

**The Honourable Sir Henry Craik :** I take it that the inquiry will not be a public inquiry : there is no suggestion that it should be public.

**Mr. Jagan Nath Aggarwal :** That is right, but even a private inquiry of this kind may have serious effects on the independence of the Magistrates !

**The Honourable Sir Henry Craik :** No ; I do not apprehend that result at all.

**Mr. Jagan Nath Aggarwal :** May I suggest to the Honourable Member to see that that undesirable effect is not produced by this inquiry ?

**The Honourable Sir Henry Craik :** All we have asked the Government of Bengal to supply is a full statement of the facts together with the views of the Local Government as asked for by the Secretary of State.

**Mr. Jagan Nath Aggarwal :** Quite so : but would not an inquiry create an impression that an adverse judgment on a high placed gentleman has brought the Magistrate into trouble ?

**The Honourable Sir Henry Craik :** As I say, I do not see why it should have that result. On the other hand, serious allegations have been made by presumably responsible persons against a Magistrate serving under a Local Government, and surely we must ascertain what the facts are and what the views of the Local Government are. We cannot allow the matter to rest there ; if we did, the Magistrate would rest under these imputations the unfairness of which is suggested in the Honourable Member's question.

**Mr. C. S. Ranga Iyer :** Will Government be pleased to state that they will see to it that the prospects of the Magistrate are not affected by trivial questions in the House of Commons ?

**The Honourable Sir Henry Craik :** I do not think the Government of India have any control over the asking of questions in the House of Commons.

**Mr. C. S. Ranga Iyer :** What I was suggesting was this : will Government be pleased to state if they will see to it that the prospects of an Indian Magistrate are not affected by questionable questions of a racial character in the House of Commons ?

**The Honourable Sir Henry Craik :** If the allegations contained in those questions are found to be without foundation, naturally the prospects of the Magistrate would be in no way prejudiced.

**Mr. Amar Nath Dutt :** Are Government aware that the Magistrate is no other than the son of the late Lord Sinha, who spent his whole life to preserve the British connection and who was the first Indian Governor of Bihar ?

**The Honourable Sir Henry Craik :** I am aware of that.

**Mr. Amar Nath Dutt :** Will Government be pleased to report this fact along with whatever report may be sent by the Government of Bengal to the Secretary of State ?

(No answer was given.)

### STATEMENTS LAID ON THE TABLE.

*Information promised in reply to starred question No. 312, asked by Pandit Satyendra Nath Sen on the 31st July, 1934.*

#### RULES REGULATING DISCHARGE AND DISMISSAL ON THE EASTERN BENGAL RAILWAY.

312. (b) It is reported by the Agent, Eastern Bengal Railway, that the discharge and dismissal rules were followed.

(c) The charges against Mr. Stalkey were :

- (i) temporary mis-appropriation of Government money realised in connection with excess fare tickets.
- (ii) Altering the dates of the record foil of the excess fare tickets to fit in with the dates on which the money was actually remitted.
- (iii) Preparing and submitting false diaries and manipulating the entries therein to cover up a fraud in connection with the excess fare and passenger tickets.
- (iv) Non-adherence to the programme of work issued by his District Officer on the plea that he was on Military duty and carrying out work at his own sweet will, subject to no discipline whatsoever.

(d) The first three charges referred to above were questions of facts which could be proved or disproved by documents. Mr. Stalkey was summoned to the Head Office, examined by the Deputy Traffic Manager and served with the charge sheet. Mr. Stalkey was also given full access to the documentary evidence against him. He replied to the charge sheet admitting the facts. In the circumstances no further enquiry was considered necessary. A formal enquiry was held where considered, viz., on charge (iv) above. On receipt of Mr. Stalkey's replies to the other charges, his case was dealt with under Rule 8 of the Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants.

(e) Yes.

(f) In 1923, Mr. Stalkey along with two other Travelling Ticket Inspectors was prosecuted by the administration in consultation with the Audit Department in connection with a suspected fraud case ; these men were then working under the Audit Department, that is they were not under the Administration of the Eastern Bengal Railway. Mr. Van Someren was at that time a District Traffic Superintendent.

(g) All the three Travelling Ticket Inspectors were acquitted but were not awarded or given damages. Mr. Stalkey applied for the re-imbursement of his legal expenses and this was in fact sanctioned for the three men under the rule which allowed such re-imbursement to staff who were so acquitted at the discretion of the authority empowered to sanction it. Mr. Van Someren proceeded home on long leave for one year and 19 days in February, 1924. His leave was due and had no concern with the case in question.

(h) Mr. Van Someren was Deputy Traffic Manager, Commercial, whereas Mr. Stalkey was discharged under the orders of the then Traffic Manager. It is immaterial who signed the letter in this connection.

(i) Mr. Stalkey submitted an appeal in May, 1932, to the then Traffic Manager and not to Mr. Van Someren. No reply was sent to the appeal since the Traffic Manager interviewed Mr. Stalkey in connection with that appeal and told him that the orders passed on his case would hold good. A note to this effect was recorded on the file.

(j) The administration considered that Mr. Stalkey's discharge from service was sufficient punishment. At that time orders regarding the withholding of gratuity in the cases of staff so discharged were not strictly adhered to : this has since been remedied.

*Information promised in reply to starred question No. 314, asked by Mr. Sitakanta Mahapatra on the 31st July, 1934.*

#### EXPORT OF CHILKA FISH OF ORISSA.

314. Three.

*Information promised in reply to starred question No. 345, asked by Sirdar Harbans Singh Brar on the 1st August, 1934.*

#### APPOINTMENT OF TRADE AGENTS.

(a) As regards Trade Agents, there are three such sanctioned appointments, one each at Gyantse, Yatung and Gartok. Owing, however, to financial stringency, the post of the British Trade Agent, Yatung, is at present held as an additional charge by the British Trade Agent, Gyantse, and the present incumbent is Captain P. C. Hailey. As regards the Gartok Trade Agency, the charge is held by Rai Sahib Dr. Kashi Ram, I.S.M.D.

(b) So far as can be seen at present no new appointment of British Trade Agent is likely to be made during the present or the next year.

*Information promised in reply to starred question No. 401, asked by Bhai Parma Nand on the 6th August, 1934.*

#### INDIANS RECRUITED AS SAILORS OF THE ROYAL INDIAN MARINE.

*Statement showing the number of Indians recruited in the ranks of the Royal Indian Marine during the five years ending the 31st March, 1934, by provinces and communities.*

Province.	Community.				Total.
	Muham- madans.	Hindus.	Chris- tians.	Sikhs.	
Bombay Presidency .. ..	58	2	37	..	97
Madras Presidency .. ..	..	..	2	..	2
Punjab .. ..	300	3	1	..	304
United Provinces .. ..	2	13	..	..	15
N. W. F. Province .. ..	1	..	..	..	1
Burmah .. ..	..	..	..	1	1
<b>Total ..</b>	<b>361</b>	<b>18</b>	<b>40</b>	<b>1</b>	<b>420</b>



*Information promised in reply to starred question No. 480, asked by Haji Chaudhury Muhammad Ismail Khan on the 7th August, 1934.*

#### DUTIES OF SUB-ASSISTANT SURGEONS IN THE CIVIL HOSPITAL, DELHI.

There are two Assistant Surgeons occupying residential quarters in the hospital compound. They receive a local allowance of Rs. 50 per mensem, and they are given quarters on the spot so that their services should be available for serious cases at any time. It is not the intention that they should be on constant duty to deal with casualty cases in the Out-patient Department. In addition, there are four Sub-Assistant Surgeons who work in the Out-patient Department from 7 A.M. to 11 A.M., and every day one of the four in turn remains at the hospital from 11 A.M. to 7 A.M. the next morning. He is provided with a bed in the duty room and is able to sleep the whole night unless he happens to be called up to attend a case. The turn for such duty comes at present once in every four days. The question whether the Sub-Assistant Surgeons would prefer a shorter tour of continuous duty will be considered. It is also intended to post an extra sub-assistant surgeon for general duty and to act as leave reserve. With this addition, the staff should be adequate to meet the requirements of the public without throwing undue strain upon the staff. No further action is considered necessary.

*Information promised in reply to starred question No. 481, asked by Haji Chaudhury Muhammad Ismail Khan on the 7th August, 1934.*

#### MEDICAL DEPARTMENT OFFICERS EMPLOYED IN DELHI FOR THE MEDICAL INSPECTION OF SCHOOLS.

- (a) Yes.
- (b) (i). Three part-time officers are in receipt of allowances ;
- (ii) Two whole-time Sub-Assistant Surgeons are employed. They are in the grade of Rs. 70—4—130 on the Punjab Subordinate Medical Service Cadre. In addition to their salaries, they are granted house-rent at Rs. 10 per mensem each, but no other allowances are given to them ;
- (iii) The sum of Rs. 8,100 has been included in the budget for 1934-35 for this purpose.
- (c) Reply to the first part is in the affirmative. The number of primary and secondary schools in Delhi city being very large, it is not possible for the medical officers attached to dispensaries to find sufficient time for the medical inspection of so large a number of students and pupils ; an arrangement similar to that in rural areas cannot, therefore, be made in Delhi city.
- (d) A number of varying experiments are being made in the Punjab. In some cases allowances are given to the ordinary medical officers ; in some of the larger towns, the services of a medical practitioner are employed.
- (e) The expenditure on this scheme was reduced in 1932 from Rs. 830 to Rs. 510 per mensem. Further reductions could be made only at the expense of the health and well-being of school children.

*Information promised in reply to starred question No. 486, asked by Mr. Sitakanta Mahapatra on the 7th August, 1934.*

#### STANDING COUNCIL TO THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

- (a) No.
- (b) Yes.

*Information promised in reply to starred question No. 491, asked by Sirdar Harbans Singh Brar on the 7th August, 1934.*

#### COMMISSIONED OFFICERS SERVING IN THE ROYAL INDIAN MARINE.

The number of King's Commissioned officers of the Royal Indian Marine is 117. The average number of those who have retired annually during the last six years is

five. During that period the same average number has been recruited annually in the proportion of two British to one Indian officer.

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*Information promised in reply to part (d) of starred question No. 525, asked by Mr. A. H. Ghuznavi on the 13th August, 1934.*

#### DISPOSAL OF SURPLUS LAND ON THE ASSAM BENGAL RAILWAY.

Government understand that lands found surplus on the Assam Bengal Railway have been relinquished from time to time to the Local Government who arrange their disposal and settlement.

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#### MESSAGE FROM THE COUNCIL OF STATE.

**Secretary of the Assembly :** Sir, the following Message has been received from the Council of State :

“ I am directed to inform you that the Council of State has, at its meeting held on the 20th August, 1934, agreed without any amendments to the Bill to supplement the Assam Criminal Law Amendment Act, 1934, which was passed by the Legislative Assembly at its meeting held on the 14th August, 1934.”

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#### THE INDIAN IRON AND STEEL DUTIES BILL.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as reported by the Select Committee, be taken into consideration.”

It seems unnecessary for me to commend this motion for consideration of the Select Committee's Report on this Bill in a lengthy speech. It may, however, be of assistance to the House if I indicate quite briefly the nature and extent of the more important changes which have been made in the Bill as originally introduced into this House as a result of our discussions in the Select Committee. We, on our side, have adhered to our proposals in regard to the excise and countervailing import duties as being matters on which unfortunately it was not possible for us to compromise in any way. Nevertheless, my Honourable Colleague, the Finance Member, and I have both stated in unequivocal terms that the Government of India do not propose that this particular excise should continue any longer than financial considerations render such continuance necessary. (*An Honourable Member :* “ For ever ! ”) I venture to hope that Honourable Members opposite will reciprocate the spirit of accommodation which we have shown in endeavouring to meet them on matters to which they attach considerable importance and that they will accept without division the Bill as it has now emerged from the Select Committee. The House will observe that we have altered our proposals in regard to British tested structurals and plates. These will now be subject to a revenue duty of ten per cent. *ad valorem* instead of being allowed free entry. There is another matter of considerable importance in regard to which we have met Honourable Members opposite. It has been urged that the continuance of the existing duties, until the end of October by the extending Act which was passed by this House last Session, should be taken as precluding any modification of the duties

[Sir Joseph Bhore.]

before that date. We are unable to accept that interpretation. Nevertheless, in order that unnecessary loss and hardship might not be imposed upon those who in good faith believing that these duties would be extended in the ordinary course until the end of October, 1934, have entered into commitments, we have agreed that these proposals should come into effect from the 1st of November. I may add that it has been calculated that this will cost the Government something like Rs. five lakhs in revenue and incidentally it will swell the credit side of the balance sheet of Tatas considerably for the period covered by this year. I do not think it is necessary for me to anticipate the discussions that must take place on the clauses and the Schedule in respect of which I see many notices of amendments on the paper, and, I will, therefore, now content myself by moving for consideration of the motion. (Cheers.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Motion moved :

“ That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as reported by the Select Committee, be taken into consideration.”

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, a child was once given fine chocolates in which fine saw-dust was mixed. When it began to eat them, it neither liked to swallow them, nor did it like to throw them out. They were like what we call :

*Boor ke laddoo khaye to pastāye nā khaye to pastāye.*

If you eat the *boor ke laddo*, you are not happy ; if you don't eat them, you are still more unhappy. This is exactly the position in which I am placed today. The Bill which is now before us is really a *boor ka laddoo* for me. I can neither accept it nor reject it, and this is now a common phraseology in politics. Sir, protection to the steel industry we must give. We are committed to it, and we can't help it. We would not reject the protection even if we could, and we could not reject it even if we would. The only point that we have to consider today is the quantum of protection and the conditions on which protection ought to be given. Sir, there are two industries which have given very great anxiety to the Legislature, to the Commerce Department, and to my friend, the Honourable the Leader of the House, and these two industries are the textile industry and the steel industry. The position in the case of these two industries is entirely different. In the case of the textile industry, the Government can dictate their own terms, but in the case of the steel industry the Government would have to accept the terms dictated to them, and on account of the powerful nature of the steel industry the position is exceedingly difficult.

Sir, the steel industry has got a long history behind it ; but I shall not go into details for want of time. We first started giving protection to steel, in the year 1924, and, in the year 1927, Sir Charles Innes clearly said in his speech when he brought forward the Steel Protection Bill for the second time :

“ That we are now beginning to reach finality, and that when once the House has passed this Bill, the Legislature will be spared the pain and weariness of listening

to long speeches, such as I am afraid it is my fate to make today, and will be able to stand aside and watch the steel industry of India forging ahead to a position in which it can meet competition from whatever country or quarter it may come without any special protection from the Government."

These were the words used by Sir Charles Innes in the year 1927, and he said further that it would be the last occasion on which they would hear about this Bill and that people would hear no more of protection, but, contrary to the assurances of Sir Charles Innes, seven years later, the Commerce Member says,—“if we are satisfied that within a definitely measurable distance of time”,—mark the words, ‘within a definitely measurable distance of time’,—“it will be possible for that industry, unaided, to withstand the competitive challenge of its outside rivals”. So, in the year 1927, the Commerce Member thought that we were then at the end of this protection period of the steel industry, but seven years have passed, and the Commerce Member now says that within a definitely measurable distance of time, which may mean a century, two centuries or which may mean anything,—it will be possible for the industry to withstand unaided outside competition, and that, after that “measurable distance of time”, protection will come to an end. Sir, as I shall show later on, this protection is not for seven years, it is for perpetuity, and it will not be possible for either the Government or for the Opposition to withdraw it.

Sir, I have been going through these Tariff Board Reports very carefully since 1924, and, I think, I can pass an examination in these Tariff Board Reports. I do not propose to go into details now, but I shall just refer to one or two points. When we began the first Tariff Board Report, they said at page 83 :

“It is probable that the cost of steel production in India will fall substantially in the next 3 or 4 years, and there is a reasonable assurance that at no very remote date, Indian steel will be able to hold its own in competition with imported steel without protection.”

That was the hope held out by the first Tariff Board Report. Then it was repeated by Sir Charles Innes when he laid the Bill before the House. I should not say the ink, but the paper was not dried when we noticed that a second Tariff Board Inquiry met, and they almost doubled the duty. Then it was followed by a third Tariff Board Report, in the year 1925, in which they recommended a bounty of Rs. 18 per ton. Sir Charles Innes when placing the second Tariff Board Report, 1927, which is now in my hands, calculated the effect of the burden during the preceding three years, and he said that in bounty we give to Tatas 209 lakhs, and the burden on the consumers was 164.50 lakhs per annum. Sir Charles Innes said that that Report would be the last Report, but unfortunately we have got six more Reports, which are now in my hand. The first Report is the Report on pig iron, and now after considering very carefully all the arguments for and against, the Tariff Board were of the opinion that the duty on pig iron ought to be removed, but on account of the fact that there were some strikes in Tata Iron and Steel Works, they thought that probably they might continue it for some time more. This is what they say at page 12 :

“We have found that the removal of the revenue duty on pig iron would not directly interfere with our scheme of protection for the steel industry..... In view of the recent strike at the Tata Iron and Steel Company's work, we consider the present an unfavourable time for the removal of the duty.”

[Dr. Ziauddin Ahmad.]

And, hence, the taxpayers had to pay for the mis-management of Tatas' Works in mishandling the strikes, and consumers have to pay the penalty for it. That was not all. I will return to pig iron a little later, because, even after the recommendation made in 1930, we notice in the Bill that the duty has not been removed. The effects of the 1929 strike are still visible.

Then followed a second Tariff Board Report on Galvanized sheets, and in this case they again recommended that on account of the strikes of 1929 they could not reduce the duty, particularly on smaller orders.

Then came the third Tariff Board Report on the railway materials, in which they proposed fresh duties to be imposed. Then came the fourth Report, and, on page 8 of it, they have suggested an imposition of duty at the rate of Rs. 7 per ton. Then followed the fifth Annual Report on wire and wire nail industry, on which they imposed a duty of Rs. 45 per ton on wire and wire nails. Then, Sir, after all these Reports, and after producing all this literature, there comes a remarkable incident in the history of the taxation proposals of the Government of India, which, I call it, is the result of their intoxication of the fourth type that I have repeatedly described on the floor of the House, and that is the enactment of 1931, in which they raised the duty by 25 per cent. throughout without considering what the protection was. *Take ser bhaji take ser khaja.* In 1926, the protection was very carefully calculated, and the Government had no business to alter it,—and they cannot give any explanation for their action except intoxication of the fourth type—they increased the protection duty by 25 per cent. and gave Tatas additional profit. I do not find in the Tariff Report any mention whatever about this particular point, only on one page they have said that the duty in 1926 was estimated at so much and now it is so much; but it was their duty to discuss the effect of the 25 per cent. increase throughout. Neither in the speech of the Honourable the Commerce Member nor in the Report of the Tariff Board is there any reference to the effect on the Tata Iron and Steel industry due to the adoption of this abnormal procedure, by the Government, of raising the duty by 25 per cent. In this particular case, I can only say that the Tariff Board, by omitting this very important event, have not discharged their duties properly. They ought to have divided this period of seven years in two different sub-periods, one from 1926 to 1931, when the old duties were in force, and the other from 1931 up to the present time, when the new duties have been in force. They ought to have given the figures for the two sections separately so that we may be able to realise what the effect of the mistake of the Government has been on the protection of this particular industry. I thought that the period of protection was over, but we find that though we are anxious to give up the blanket the blanket would not leave us. We know the story that a crocodile was floating in the river and somebody thought that it was really a blanket. So he sent a friend to bring out the blanket. The man went there and the crocodile caught hold of the man. The person who sent him shouted to give up the blanket. The friend replied: "Though I am ready to leave the blanket, the blanket is not willing to leave me." (Laughter.) We may be inclined to give up this protection but the protection will never leave the Government or the Legislature or the country.

I now come to the report of the Tariff Board and shall deal with the specific points now under discussion. I have got several complaints which I shall enumerate. My first complaint is that we don't know the exact amount of burden we are putting on consumers. Sir Charles Innes, while making his speech in 1924 and also while making his speech in 1927, gave us clearly what the effect of the protection would be on the consumers and on the taxpayers and in what proportion it would fall on different classes. But in this particular case now, we are left entirely in the dark. The Tariff Board, in a particular section of their report, have suggested the method by means of which this could be calculated, but they left it to the readers to make their calculations and to find out figures for themselves. They gave, no doubt in a succeeding paragraph, a kind of estimate of the customs duty and they said by dividing it by half it would be the protection to the Tatas. I do not like to read the relevant portion for want of time, but Honourable Members can see it for themselves. Thus, the Tariff Board have not discharged their duties satisfactorily. They gave us the method but did not give the calculations and they left to readers to calculate. We know that during the first three years, that is, from 1924 to 1927, we paid to Tatas by way of bounties Rs. 209 lakhs in cash, and also, as stated by Sir Charles Innes in his speech in 1927, Rs. 164.50 lakhs per annum. So, during the period of three years the burden comes to about Rs. eight crores. For the period 1927 to 1934 the figures are not given accurately anywhere and we are left in the dark. Probably we might safely put it that it could not be less than about Rs. ten crores. That is the lowest estimate that I made in my mind. When I look at the shares and the capital of Tatas I am really surprised whether the Company now is owned by the consumers of India or it is owned by certain persons who originally subscribed the money. I notice from the *Commercial Review* that the funds of the Tatas consist of Rs. 75 crores at six per cent. cumulative, 6.93 crores at 7½ per cent. cumulative, and ordinary shares of Rs. 2.62 crores ; the total is Rs. 10.45 crores.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Is it the latest balance sheet ?

**Dr. Ziauddin Ahmad** : No, no. The balance sheet will never come out because it will show all the latent profits which are earned by the Tatas. They are taken from the *Commercial Review*. Then the total is Rs. 10.45 crores. If the original shareholders contributed Rs. 10.45 crores, and the consumers of India have contributed another Rs. 18 crores during the last ten years on which no interest is to be paid, then the question to ask is, whether the Company is owned by the shareholders, or by the consumers of the country who contributed much more than the shareholders of the Company did.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Let us nationalise it.

**Dr. Ziauddin Ahmad** : That is my first criticism. My second criticism is that in the Bill as well as in the Tariff Board's report there is a great confusion between the revenue duty and the protective duty. These two are quite distinct and separate. Every revenue duty is a protective duty unless a corresponding excise duty is levied. This is a point which the Tariff Board quietly omitted. When I read the report care-

[Dr. Ziauddin Ahmad.]

fully, I found that they began to calculate the amount of protection needed and they said *nil*, i.e., no protection was needed, in the body of the Chapter where the calculations are made—I refer to page 64, section 196, where on certain articles they said no duty was needed. But, when they come to their appendices, they quietly put down a revenue duty. When they put down a revenue duty of this kind, it really serves the purpose of additional protection. Either the Members of the Tariff Board are fools, or they considered that all of us are fools and would not understand the confusion. But I can say this that they have befooled the Government all right, because they have put down this as a revenue duty while it acts as a protective duty. Coming to the Company's profits and capital charges, I think they are excessive, but today I do not question them. I question only two points, and I think the majority of Members here, especially my Honourable friend, Mr. Vidya Sagar Pandya, will agree with me, that the interest on working capital is calculated at six per cent. today when the Government is floating a loan at three per cent. May I ask whether the six per cent. is really a correct figure for calculating interest? At present, a Company like the Tatas which has got good the security of this Bill can raise money at any market at four per cent. and my Honourable friend, Mr. Vidya Sagar Pandya, and my Honourable friend, Sir Cowasji Jehangir, will probably be ready to lend them at the rate of four per cent. Therefore, the rate of six per cent. in these days when the Government are floating their loan at three per cent. is excessive, and, I think, Government ought to have looked into this matter and allow interest only at four per cent. Therefore, the amount of Rs. 11 lakhs which the Tariff Board has allowed should be reduced to Rs. seven lakhs. Let me come to the manufacturers' profit. Here is my Honourable friend, Seth Haji Abdoola Haroon, who is a manufacturer; here are the Members of the European Group, though they are not here now, would know that the manufacturers' profit is never calculated on the capital; it is always calculated on the cost price. When I began to learn the chapter on profit and loss in arithmetic, the first thing that my teacher said was, that you calculate your profit on the cost price and on nothing else. But here are my friends of the Tariff Board who come forward and say, do not calculate profit on the cost price, calculate it on the capital subscribed by the shareholders. The important thing is to give fat dividends to the shareholders, never mind the consumers, never mind the Government and never mind the taxpayers. The only important thing is that shareholders should be properly paid and given a dividend of eight per cent. in these days when the Government is floating loans at three per cent. and profits should be calculated accordingly. Their basis of calculation is absolutely wrong. Their hypothesis is incorrect. The Government ought to have objected to it. Their idea was this, that the Tatas ought to be assured of a profit of one crore of rupees and let us see how this one crore of rupees should be sub-divided among the principal items. Now, this is the logic on which the Tariff Board began to act. One crore, the pound of flesh, should be given to Tatas and let us see how it would work out in the present case. I took the trouble to calculate from the figures given on page 45, Table XV.

Now, if we accept the two principles that the percentage of profit should be ten per cent. of the work cost and it is exceedingly reasonable

in these days of depression and also accept that for working expenses they can raise money at four per cent. interest, then their selling price will be altered and I give figures in the column below :

1	2	3	4	5		
Estimated average works cost.	Estimated average output.	Overhead charges.	Company's profit.	Fair selling prices f. o. r. Tatanagar 1+3+4.	Percent-ago of profit on work cost.	Fair selling price if profit is 10 p. c. cost price interest reduced from 6 p. c. to 4 p. c.
Rs. per ton.	Tons.	Rs. per ton.	Rs. per ton.	Rs. per ton.	Rs. per ton.	Rs. per ton.
Rails .. 53	80,000	21	21	95	40.3	78
Fish plates 81	3,000	26	26	133	33.5	114
Structurals 57	117,000	21.5	21.5	100	40.3	86
Bars .. 57	80,000	19.5	19.5	94	37.8	90
Plates .. 60	35,000	19.5	19.5	99	38.5	84
Semis .. 43	110,000	5	5	53	14.1	52
Black Sheets. 79	25,000	21.5	21.5	122	30.2	108
Galvanised Sheets. 109	90,000	25	25	159	26.7	144
Sleepers.. 54	15,000	12	12	78	26	71

Company's net profit excluding overhead charges, depreciation, interest on working Capital is Rs. 100 lakhs. Company's profit calculated at ten per cent. on working cost is Rs. 36 lakhs, other items remaining unchanged.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras City : Non-Muhammadian Urban) : Fair selling price where, at Tatanagar ?

**Dr. Ziauddin Ahmad** : At Tatanagar.

**An Honourable Member** : What about the shareholders ?

**Dr. Ziauddin Ahmad** : They are not orphans. They are not to be fed at the cost of the poor consumers of India. They can look after themselves. I give them ten per cent. profit. Then I ask one question. Suppose I have a big factory to manufacture chairs. I build a palace for my factory and have first class liveried servants and have a costly staff. Now, I produce a chair whose work cost is three rupees. Am I entitled to take as my profit eight per cent. interest on the money that I spent or am I entitled to charge only ten per cent. on Rs. three ? I am afraid the price



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in the former case will be so high that unless the consumer is compelled to purchase by an Act of Legislature, there will be absolutely no chance for selling the chairs.

(Interruption by several Honourable Members.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Honourable Members ought not to interrupt the Doctor and try to understand in a second or two what it has taken him hours and hours to study and understand. (Laughter.)

**Dr. Ziauddin Ahmad** : One merchant told me that the duty on non-British article is prohibitive. There will be no steel trade with non-British countries. This is a thing which I do not like to develop today, as I leave it to Mr. Das. He has expressed it in his Note of Dissent, but I can only mention one thing. If we displease the non-British countries and they cease to have any trade with us, then we will be reduced into a very difficult position. We have to pay 72 crores a year to the United Kingdom on account of our fixed charges and on account of the remission of money by private individuals. Now, these 72 crores we can only get by selling our goods to non-British as well as British countries and if the source of selling our goods to non-British countries is stopped, then, I am afraid, we will have no alternative but to request the British Government and say—please take 72 crores in the shape of goods, because we cannot dispose of them on account of the intoxication of the fourth type of our own Government.

My fourth complaint is that even to this day we have not been supplied with the balance sheet of Tatas. We have not been supplied with the evidence which was given before the Tariff Board and we have not been supplied with the representations made to the Government on this particular question. We are asked to vote in the dark. No one will believe, outside India, that the Tariff Board made its recommendations ; the Government prepared that Bill without seeing the Balance Sheet of the Tata Company. We do not know all the facts and the Government knows very well that they can dictate their terms in this House. They have been dictated to by others and they think they can dictate to us. Besides, there is no safeguard against keeping up the price as recommended by the Fiscal Commission on page 48 of their report. This is what they say :

“ But should any such combination arise in India which appear to be to the detriment of the Indian consumer, we do not think it would be difficult to find a remedy. The matter should be investigated by the Tariff Board which we propose should be established, and if the Board reports that the combination is in effect injurious to the interests of the Indian consumer, and the Legislature accepts the view, the protection given to the industry could be lowered or withdrawn, or possibly special legislation could be introduced to deal with the matter.”

Here, there is a definite suggestion about the safeguards whenever protection is given, but, in this Bill, we find that it is entirely ignored. There is nothing in this Bill to visualise how the matter will be dealt with should such an emergency arise. Should the Tata Company have some sort of combine with the importers of steel, it will create an exceedingly difficult position for us.

My last complaint is that no effort has been made to find out the cost of production in foreign countries, in England, America, Belgium and Germany. This is one of the directions given by the Fiscal Commission, that in the case of protection, this thing must also be inquired into, which the Tariff Board did not do.

Now, coming to the profits guaranteed to the Tata Company, there are three kinds of profits—the visible profits, the invisible profits and the latent profits.

**An Honourable Member :** Patent profits ?

**Dr. Ziauddin Ahmad :** No, latent profits. As regards the visible profits, the Government have given them 100 lakhs and they have distributed this one crore among the eight principal articles, and in the fair selling price this sum has been included. Now that one crore is a visible profit. Now, I come to the invisible profits, whose value I have calculated to be one crore and 13 lakhs,—that is, one crore visible profits, and 1 crore 13 lakhs invisible profits. I will give you my results, but, in the meantime, I may put one question to my Honourable friend, Seth Haji Abdoola Haroon, and other business men. Supposing, I am the sole manufacturer of an article, and my fair selling price is Rs. 100. Now, I cannot manufacture the whole of the requirements of the country, I manufacture half the requirements of the country, and the other half must be imported from outside. Now, if that commodity is imported after duty has been paid at Rs. 120, then will I sell it for Rs. 100 or for Rs. 120 or perhaps for Rs. 119 ? I will sell it for Rs. 100, but I will sell it perhaps at slightly less than the price at which the foreign article would be sold. Now, I consulted several business men and everyone told me that if any factory has got a monopoly and there is no internal competition, because Tata has got the monopoly, then their selling price *de facto* will not be what Government calls the fair selling price, but a price equivalent to the price at which the duty paid article is imported into this country, especially on account of the fact that I cannot supply the entire amount, and the other half must come from abroad. If you accept the principle, that the Tatas will not sell it at the scheduled fair selling price provided here, but at duty paid imported price, and there is no machinery by which the Company could be forced to sell at the scheduled price, then a new additional profit will be accrued and this I call invisible profit.

**Diwan Bahadur A. Ramaswami Mudaliar :** But the fair selling price is the same as the imported price ?

**Dr. Ziauddin Ahmad :** No. This is not the case. The fair selling price has been calculated after paying one crore to the profits account and another 100 lakhs for overhead charges and depreciation, and the amount of 200 lakhs is distributed among various articles, as is given in the table I have just given. The difference between the fair selling price and the *de facto* price is the invisible profit of the Company.

**Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan) :** There is no statutory power to compel them to sell at the fair selling price.

**Dr. Ziauddin Ahmad :** I will now refer you, Sir, to page 54, Tables XXIII and XXIV :

*Invisible profit.*

	1	2	3	4	5	6	7
	Fair selling price at Tatana-gar + Rs. 4 per ton excise duty Rs. per ton.	Landed price without duty Rs. per ton.	Proposed duty.	Landed duty paid price 2+3.	Invisi-ble profit per ton 4-1.	Totals output in tons.	Invisible Profit in rupees, 000 omitted.
Rails ..	99	113	10	123	24	80,000	1,920
Fish plates ..	137	151	14	165	28	3,000	84
Structurals ..	104	113	11	124	20	117,000	2,340
Bars ..	98	96	15	111	13	80,000	1,040
Plates ..	103	114	10	124	21	35,000	735
Semis ..	57	64	6	70	13	110,000	1,430
Black Sheets ..	126	119	16	135	9	25,000	225
Galvanised Sheets	163	160	15	175	12	90,000	1,080
Sleepers ..	72	86	10	96	14	15,000	210
Total ..	..	..	..	..	..	..	Rs. 90.64 leaving minor variations between tested and untested.

There will be a profit of Rs. 90,64,000, according to this calculation ; it is only a question of arithmetic.

**Diwan Bahadur A. Ramaswami Mudaliar :** May I just take the first item—Rails ? My Honourable friend knows that there is a contract, so far as rails are concerned, with Government and no question of competition with landed prices arises at all.

**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : But what about the market ?

**Diwan Bahadur A. Ramaswami Mudaliar :** There is no private market for Rails.

**Maulvi Muhammad Shafee Daoodi :** These are sold in the market also.

**Dr. Ziauddin Ahmad :** There may be a kind of minor variations on account of their contract with particular firms to sell at particular prices, but these variations equalise. Now, to this, I add the profit on the pig iron on which a duty has also been imposed and that amounts to over 18 lakhs and it makes a profit of 109 lakhs. This is an invisible profit. Sir, I do not wish to discuss pig iron now, but I will discuss it later on, as I have given notice of an amendment on this subject. I

have, however, come to the conclusion that the Tata Company will get one crore of rupees and what I call visible profit. The invisible profit will diminish if you equalise the British prices and Tatas' prices, as I notice in each case that the fair selling price is always lower than the price of the British goods imported in this country without duty. Sir, when I make a proposal, I do not do so in the interests of the British manufacturers, but I do it, in the interests of the consumers of this country. After all, if these goods are imported at a higher price, then the consumers will have to pay not only a higher price for the British goods but also a higher price for the corresponding articles manufactured by Tata. This is a point which I will discuss when I come to my amendment of which I have given notice today to the effect that the whole of the Schedule should be modified. Sir, if this Bill, as it stands, becomes an Act, then I am prepared to take the contract of the Tata Company at one crore of rupees, which is their pound of flesh and I will have sufficient money to pay 50 lakhs of rupees to the Treasury Benches—it will not be a bribe—which they can deposit in the Indian Exchequer. I am also prepared to give 25 lakhs to the Leader of the Opposition which he can distribute among various Parties of Non-Official Members. (Laughter.) Even after paying this 75 lakhs in the shape of presents and one crore of rupees to the Tatas', I will be able to make a profit of over half a crore of rupees every year. This is my calculation and if Mr. Mody is agreeable to give me the whole contract I am prepared. Sir, this is really the state of affairs now. Now, Sir, I have discussed the visible profit and also the invisible profit, but it is very difficult to discuss the latent profit as the outsider cannot know the hidden secrets of any company unless he is in it. There are a number of articles which they are making, and some of them are mentioned in the second part of the Report, and which they will never disclose to any outsider, and, therefore, it is impossible for me to calculate this latent profit, but this much I can say that this amount is absolutely substantial.

Sir, I now come to two or three specific points and then I will finish my speech. I will take up first pig iron. In the case of pig iron, I notice that in the year 1930 the Tariff Board reported :

“ We have found that the removal of the revenue duty on pig iron could not directly interfere with our scheme of protection for this steel industry.”

This is the clear finding of the Tariff Board that if we remove this duty it will not affect our principle of protection. They further go on to say :

“ But in view of the recent strike at the Tata Iron and Steel Company's works, we consider the present an unfavourable time for the removal of the duty.”

Now, this was the verdict in 1930, and today, in 1934, we find that the duty on pig iron is still there. It has not been removed in spite of the recommendations of the Tariff Board in 1930. They have only said that it should be temporarily withheld on account of the strike at the Tata works. Sir, the effects of the strike are over. We have given them 25 per cent. extra protection by the enactment of 1931, and yet this duty on pig iron is there and I see absolutely no justification for it. The Government were put on the wrong track by the Tariff Board Report.

**Mr. N. N. Anklesaria** (Bombay Northern Division : Non-Muhamadan Rural) : May I ask how much pig iron we import every year ?

**Dr. Ziauddin Ahmad :** I have calculated that the profit on pig iron at ten per cent. will be about 18 to 20 lakhs.

**Mr. N. N. Anklesaria :** I did not ask that. I want to know how much pig iron we import in India every year ?

**Dr. Ziauddin Ahmad :** I want notice of that question. (Laughter.) I can supply this information only after consulting the sea-borne trade statistics.

Now, Sir, with regard to pig iron, I have got two specific complaints which have also been referred to in the Tariff Board report. They say that the pig iron has got two different rates—one rate for its sale in India and the other rate for its sale outside of India—and the difference is about Rs. 11 per ton. Now, I want to know what justification can there be for selling this pig iron to our own industries at a higher rate than they do to the outside market ? By doing this they are helping the foreigners engaged in this industry. Not only this, but they go one step further. They have got a differential rate of their selling price. They sell at a cheaper price to the bigger firms and at a higher price to the smaller firms. In this way, the Company does not only levy a tax on the consumers but are taking direct action to destroy the smaller industries in the whole of India and this is a thing to which we the legislators should not contribute. Government may make a common cause with the Tata Company and help them to destroy the minor industries in this country, but we, who represent the consumers and the taxpayers, should not agree to such a course. We cannot possibly keep in this Bill a duty which may help and injure the cause of smaller industries and which has been very much misused during the last three years. Sir, I say that there is no justification for keeping this duty on pig iron. I do not want to quote the relevant remarks of the Tariff Board on this particular subject as, I believe, every Member knows them, but I will refer Honourable Members to page 139 of this report in which they say :

“ Except in the case of the Indian Iron and Steel Company in 1931, the figures of the past three years show a difference between internal and export prices not exceeding Rs. 11 per ton.”

Then, on the same page, later on, I come to a very important point and I cannot possibly understand the mentality of the Tariff Board when they say :

“ The representatives of Indian foundries have admitted in evidence that a difference of approximately Rs. ten per ton between internal and export prices may be regarded as reasonable and does not afford any ground for complaint.”

I should like to know who this man is who says that there is no cause for complaint. Not only this, but the Tariff Board itself forgot what they said when they came to paragraph 241. They said :

“ Between the large Companies associated with the Indian Iron and Steel Company and the manufacturers in Japan, Indian foundries producing castings of good quality for sale have been placed in a position of disadvantage by reason of the discriminatory prices at which Indian pig iron is sold.”

So much about pig iron. The other points about pig iron I would like to reserve when I move my motion that the duty on pig iron should be removed.

The next thing to which I would like to refer is the sale price, and I maintain that their policy in this direction is absolutely wrong.

They give a profit of about 40 lakhs to these sale houses and this is an additional burden on the consumers of the country.

1 P.M. Therefore, whenever we discuss the burden on the consumers, we discuss not only the visible, the invisible and the latent profits but also consider the profits of the middlemen called the sale houses. I have got a definite complaint against this system of sale houses. My first complaint is—and the merchants have repeatedly told me and there is evidence in the Tariff Board report as well—that they can buy directly from the manufacturers in Belgium, in America, in France and everywhere under the sun, except the Tatas who will not sell to them. They can only sell through their special managing agents. Thus, their position would be reduced to that of an ordinary shopkeeper instead of merchants. That is my first definite complaint. The second complaint is that these sale houses have internal competition among themselves. They try to push the sale of these things. What they actually do is this. Whenever they find in a particular market some local industry flourishing, then they under-sell the local industry so that the local industry may be destroyed. As soon as the local industry is destroyed they raise the price again and in this way they help to build their own exclusive sale. I submit that these sale houses have been created by the Tatas simply to kill local industries so that nothing but the products of the Tatas can sell in the markets. My third complaint is that you have given them unnecessarily a profit from five per cent. to ten per cent., though on paper it is put down as  $2\frac{1}{2}$  per cent., in practice it works out to something like ten per cent. There is nothing in the Bill to regulate the sale price. Though the Tatas may be innocent, yet their vultures, whom they have let loose on the country to devour the consumers of India, may play havoc in the country and may practically take away the money from the consumers and rob them as much as they like. Therefore, this complaint requires careful consideration, and I am sorry that the Tariff Board have not given sufficient attention to it and the Government have not kept in their hands sufficient power to remove these enormous troubles into which the consumers have fallen. They always raise prices whenever the supply of foreign steel is scanty in the market.

I now come to galvanised sheets. This is really a very important article for Eastern Bengal and Burma. We know that the people in these parts cannot build *pucca* houses. They shift their houses from one place to another. It is a question of the utmost importance to the people of Eastern Bengal and Burma.....

**An Honourable Member :** And for Bihar also.

**Dr. Ziauddin Ahmad :** Yes, for the people of Bihar also because they have suffered by the recent earthquake, and I submit that these galvanized sheets should be sold at a minimum price giving reasonable profit to the manufacturers and they should not be sold at exorbitant prices. (Hear, hear.) In 1924, a duty of rupees 45 per ton was imposed on this and it was reduced to Rs. 30 per ton, and, as my Honourable friend, Mr. Neogy, pointed out while discussing this Bill, this duty works out to about  $12\frac{1}{2}$  per cent. Sir Charles Innes thanked him for this suggestion and said that it was reasonable. The Ottawa Agreement has again played havoc as regards this particular commodity and they raised the

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price to Rs. 83 in the case of non-British goods, Rs. 53 per ton in the case of British goods and Rs. 30 per ton in the case of British goods made out of Indian bar, but there is a cat in the neck of the camel, that is that these sheets on which 30 per cent. duty is to be paid and which are made out of Indian bars will be the monopoly of the Tatas. They cannot be sold by any other person and nothing from outside can come in till all these articles have been disposed of. This really means that the Tatas would sell the goods not with regard to the 30 per cent. duty but with regard to higher rate of duty which will be 53 rupees, and thus the entire profit will go to the Tatas. In this particular case I think this is absolutely unjustifiable. But fortunately this particular thing has now come to an end. By this arrangement the Tatas got a double profit. They first had profits on the sale of their bars and afterwards they had the monopoly of sheets which are made out of these bars. The price was fixed at Rs. 215 per ton but actually it was sold at Rs. 218 per ton, but the cost of manufacture of these bars by the Tatas with ten per cent. profit is only Rs. 144 ; but if you give them that one crore, even then it will be Rs. 159 per ton, and, therefore, there is no justification to sell it for any amount exceeding Rs. 160 per ton, and the Tatas will get ten per cent. profit even if they sell at Rs. 144 per ton. That is the price at which the galvanized sheets should be sold.

I now come to the end of my speech because I would like to develop the other points later on when I move my amendments. I would very much like now to quote from the leader of the *Statesman*, dated 17th August, 1934, in which it is said :

“ Diwan Bahadur A. Ramaswami Mudaliar from Madras City, for example, is responsible for a saying that threatens to become a proverb : ‘ politics are the last refuge of the millowners.’ This was harsh enough, but when the Diwan Bahadur added in the same breath, ‘ I dare not call them scoundrels,’ friendships of long standing snapped. Even the Commerce Member, with friends on every Bench, did not escape unscathed, being accused of dual personality.” “ There were two Sir Josephus ”, declared Mr. Ranga Iyer, “ one a patriot and the other an Imperialist ”.

Sir, I am not opposed to protection but I do not like the manner in which the protectionist policy is pursued by the present Government whom the consumers may call perhaps not so strongly as Mr. Gandhi would put it as—Government. With these words, I oppose the motion. (Applause.)

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) : Sir, we have just now listened to the learned and erudite speech of my learned friend, Dr. Ziauddin. After listening to his speech, I wondered whether he was opposing this Bill for granting any protection to the Tata industries. But he could not have done so when once this House has accepted the principle of granting protection. Apparently, his idea does not seem to be that but his

idea seems to be just to point out the defects that at present obtain in Tatas' and he hoped that Tatas' might rectify those defects as soon as possible and reap the full benefits of the protection that is given under this Bill.

Sir, when this Bill was before the House at the time when there was the motion to refer it to the Select Committee it was subjected to very severe criticism from this side of the House, specially the report of the Tariff Board was subjected to much adverse criticism. It was said that the Tariff Board went out of their way to take some extraneous circumstances into account and made certain recommendations which they were not competent to do. Sir, it was said that the Tariff Board was as particular about giving protection to the British industries as they were anxious to give protection to the Indian industries. And another point is that they made certain recommendations with regard to the changes to be made in the revenue tariff which they were not competent to do. And, Sir, the Honourable the Commerce Member said that we must follow the recommendations of the Tariff Board *in toto*, and hence he has framed the Bill on the recommendations of the Tariff Board. Sir, very recently we had another report of this Tariff Board on the cotton textile industry. At that time the Tariff Board recommended the imposition of duties on the British cotton textiles of finer counts also, because the imports of cotton goods of finer counts by Britain into this country will seriously compete with the Indian goods and hence Government did not give effect to those recommendations in the Bill which they had subsequently introduced. The Honourable Member explained away the reasons why he did not follow the recommendations of the Tariff Board report on that occasion. He said that two extraneous circumstances intervened, namely, the Mody-Lees Pact and the Indo-Japanese Agreement. But that is a different matter. Why I refer to that matter is that the reports of the Tariff Boards of late have not been taken as sacrosanct, and as a matter of fact they have not been taken even by Government as sacrosanct. The Government have accepted its recommendations when they suited them, and rejected them when they were disagreeable.

Sir, there are four important points on which the Bill is open to severe criticism. The first was the recommendation to remove the revenue duties on the British structurals and sheets and plates; second, the levying of an excise duty on steel ingots manufactured in India; third, the preferential treatment given to the British galvanised sheets in the matter of protective duties as against the continental galvanised sheets; and fourth, that the Tariff Board report as well as the Bill did not draw any distinction between tested and untested steel. The main attack of the Opposition was on these four points, but fortunately Government yielded to the pressure of the Opposition and agreed to restore the revenue duties on the British steel structurals and plates and sheets. On the other points they were unable to see eye to eye with the criticism of the Opposition. The most important and vulnerable point in the Bill is the levying of an excise duty on steel ingots manufactured in this country. The reason which prompted Government to levy this excise duty on steel ingots is that according to their recommendations they will stand to lose about 30 lakhs in the revenues; that is to say, by removing the revenue duties on British structurals and also by adopting a scheme of lower protective tariff as against the British



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galvanised sheets imported into this country. They calculate that there will be a loss of 30 lakhs and they have to make good these 30 lakhs. And, after searching various items for taxation, they finally decided to levy an excise duty on the steel ingots manufactured in this country.

Sir, as I have already stated, Government have agreed to reimpose the revenue duty on British structurals. That will restore the revenue by two to seven lakhs of rupees and they have to make good the loss they would sustain owing to the effect of the proposals with regard to galvanised sheets. Sir, I submit this is a very extraordinary feature of the whole Bill that they should resort to the levying of an excise duty. There was absolutely no necessity for Government to impose lesser import duties on the British galvanised sheets than the continental galvanised sheets and lose the revenue which they want to make good by levying the excise duty. The Tariff Board has clearly stated that if they take the landed prices of the British galvanised sheets into consideration there is no reason why they should make any difference between the import duties to be levied on British galvanised sheets as well as the continental galvanised sheets. In calculating the amount of protection duty, that is necessary for any article, the Tariff Board first calculates the fair selling price of the Indian product by taking the works cost, the overhead charges and the manufacturer's profit and freight disadvantages and then takes the landed price without duty of the foreign imports of that kind of article and then assess the difference between these two figures as the protective duty that is necessary for that article. In this particular case of galvanised sheets, they have taken Rs. 160 as the fair selling price of Indian galvanised sheets, and, then, they have taken the landed price *ex-duty* of the galvanised sheets of foreign countries at Rs. 130 in order to assess the quantum of protective duty. But, with regard to British galvanised sheets, they have blindly taken the figure given by the British steel interests as the fair selling price as at the time of the Ottawa Agreement. There was absolutely no reason given by the Tariff Board why they should not take the landed price of British galvanised sheets as obtaining during the preceding year, namely, year 1932, when the competitive prices ruled. This is what they have stated in the Tariff Board Report :

"Two alternatives have been open to us, first, to take the average price in the earlier half of 1932 and adjust it for the variation in the price of spelter since that period and secondly, to proceed on the basis of calculation adopted by the Ottawa delegation, namely, to take the United Kingdom price at the lowest figure which the delegation considered would give a reasonable return to the British manufacturer and to take the Continental price at the lowest figure actually reached in recent importations. Under ordinary conditions we should be inclined to adopt the first method in estimating the measure of protection. The United Kingdom prices in that case would be almost the same as Continental prices and there would be no scope for differential duties."

That is a very important admission. But they have gone out of their way and they have taken the fair selling price which the British industries gave at the time of the Ottawa Agreement. The Tariff Board did not look into the accounts of the various British firms to find out what the actual fair selling prices of the British galvanised sheets were, nor were the balance sheets of British interests submitted for inspection, as my friend, Dr. Ziauddin, reminds me—to the Tariff Board. Hence, there was absolutely no justification for making this extra-ordinary difference in the matter of protective duties as against the continental galvanised sheets.

It is said that Great Britain is importing pig iron from India duty free, and that that is a great advantage and a consideration for showing this preferential treatment to British galvanised sheets. It has already been pointed out by my learned friend, Diwan Bahadur Ramaswami Mudaliar, that it is after all a very small advantage when compared to the loss that the Indian Government stands to lose by making this difference; and, further, I submit that we should not take this as a consideration for this preferential treatment. Great Britain has imposed duties of 33½ per cent. on continental pig iron and continental steel and on all other countries, and hence they are not in a position to get as much pig iron as they want for their industries and hence it is advantageous to them to import Indian pig iron duty free. Then, it is said that by showing this preferential treatment and reducing the prices of galvanised sheets, it will be of great benefit to the agriculturist. I may submit that the agriculturists do not derive much benefit from this reduction in the price of galvanised sheets. It is only the industrialists who make use of these galvanised sheets: it is a mistake that has been committed by the Government to say that the agriculturists derive great benefit. It is the small industrialists who have to build their factories, who make use of these galvanised sheets: the agriculturists may use it to some extent but not so much as to justify this differential treatment. But as my Honourable friend, the Finance Member, has pointed out, we should not confuse the revenue duties with protective duties. Here I apply the very same argument and say that in estimating the protective duties we should not take into consideration—we should not mix up—the burden on the consumer with the amount of protection you are giving; because both are quite contradictory terms. The very idea of protection means burden to the consumer: we give protection to a particular industry, because after some time the particular protected industry will set its house in order, will bring down the costs of production and will eliminate competition from foreign countries, and then supply the goods to this country at a much cheaper cost, so that the consumer, who has been suffering all along, may get the benefit ultimately from out of the burden he has been bearing all along. In this case, what is the benefit to the industry by giving this protection to the British galvanised sheets? I submit that the argument that prices will go down is also based on erroneous reasoning. The prices will never go down. The price of the British galvanised sheets in India will be the price of the sheets that obtain in this country for the continental imports. If foreign countries have to bear a higher duty, they can import only at a higher cost. Then the British people will not sell galvanised sheets at anything less than that rate. Hence, the difference in the protection duty will be a benefit to them, and that difference will go into their own pockets, and it will not go to reduce the price of galvanised sheets. Thus, Sir, we are giving a bounty, as it were, which is estimated at 20 lakhs, to British interests, if we reduce the measure of protection in favour of British galvanised sheets. Sir, if this difference is not maintained, and if British galvanised sheets are taxed to the same extent as foreign galvanised sheets, then there will not be so much loss to the Government. We would have been able to retain the Rs. 20 lakhs. In that case, there would also have been no necessity for levying this excise duty on Indian made steel ingots. Sir, the Government is placing a very great obstacle in the way of the development of the Indian steel industry by levying this excise duty. They could certainly have avoided the necessity of levying this excise duty, as I stated, by equalising protective duty as against the British as

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well as continental goods. Generally, excise duty is levied only when there is over-production and when we have to stop over-production in order to raise the price, or as a measure of mild prohibition on a particular article, such as liquor. Then also excise duties are levied. But nowhere in the world is there a country where the key industry is subjected to an excise duty. Government cannot say that there is over-production of steel ingots in this country. Sir, the Indian industry has to work under a very great handicap if they have to manufacture goods under an excise duty. Sir, Great Britain has imposed 33½ per cent. on foreign steel products, but it has not levied any excise duty on steel structurals, or the steel products that are produced in their own country, and so, Sir, they can dump their goods into this country if this excise duty were to be levied on Indian products.

Sir, it is stated by Government that they are also imposing a countervailing import duty on all the imports into this country of steel products equivalent to the amount of excise duty they are levying on these steel ingots, but, Sir, there are many items of imported steel products which escape this countervailing duty or over which these duties have no effect. Take, for instance, the galvanised sheets themselves. There is a revenue duty of ten per cent. This revenue duty of ten per cent. is much higher than the countervailing import duty, as also the rupees ten protective duty that is proposed to be levied on galvanised sheets, and, thus, the galvanised sheets are not at all affected by this countervailing import duty. The same is the case with regard to steel structurals and so many other items. They do not bear this countervailing import duty at all.

Then, Sir, Tatas have to work under very great disadvantages. It is estimated that Tatas produce about 20,000 steel ingots per week or about 800,000 steel ingots in the year. If they have to produce 20,000 steel ingots in a week, whether these steel ingots are sold or not, they have to pay the excise duty. That means, they have to make arrangements for paying about one lakh of rupees every week by way of excise duty, whether these steel ingots are sold or not. Therefore, it will be a very great handicap to the industry to get on.

Sir, my learned friend, Dr. Ziauddin Ahmad, this morning, read passages from the speech of Sir Charles Innes showing that the year 1927 would be the last occasion, when Government would bring proposals to impose this protective duty, and that would be the last occasion, when the country would have to bear this burden of the protective policy. But, Sir, seven years have now elapsed, and we are again extending this protection for a further period of seven years. The Honourable the Commerce Member has stated that if everything goes well, then it would not be necessary to bring forward any further measure of protection.....

**Dr. Ziauddin Ahmad :** He said within a measurable distance of time.

**Mr. T. N. Ramakrishna Reddi :** Yes, but that definite measurable distance of time may never come if we continue to give protection in this half-hearted manner. If you want to give protection, then give it fully and completely, and not in such a half-hearted manner, because the idea underlying the present measure would seem to be not merely to give protection to Indian industries, but also to give more and more encouragement to British imports to come into this country. Therefore, Sir, if this state of affairs continues, I am afraid, we shall not be able to realise

or reach that measurable distance of time when Tatas would be able to stand on their own legs. I hope, Sir, in view of what I have said, Government will be able to find their way to yield to the other criticisms of the Opposition, as they have yielded in connection with the revenue duties on the British steel structurals.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, there is such a thing as dragging a man to take part in a debate, even though, left to himself, he might not have taken part in it, after listening to the short sweet speech, the convincing and logical speech, which the Honourable the Commerce Member made this morning. Sir, we on the Opposition Benches welcome him after his illness and in a stage of convalescence to this House with a spirit of martyrdom to pilot this essential Bill. (Cheers.) Sir, he has, in his short speech, indicated to us that financial considerations are mainly at the bottom, and financial considerations cannot be lightly brushed aside by an opposition, however earnest about making speeches, after long burning. I should say, not the midnight oil, but the electric current in the small hours of the morning. (Laughter.) Probably that is responsible and excusable for the quotation that the Honourable Member made from a very excellent newspaper, the *Statesman* of Calcutta. Sir, he quoted, in the course of his speech, the *Statesman* as saying :

“ Even the Commerce Member, with friends on every Bench, did not escape unscathed, being accused of dual personality. ‘ There were two Sir Josephs,’ declared Mr. Ranga Iyer, ‘ one a patriot and the other an Imperialist ’.”

Sir, not having read the *Statesman's* editorial,—I am not a careful reader or a reader at all, except on infrequent occasions, of editorials of newspapers. I cannot vouch for the accuracy of this quotation, but I cannot at the same time charge the Honourable Member on the Opposition Benches with indulging in the luxury of an inaccuracy. Therefore, I presume, this is an accurate quotation. The quotation may be accurate, but the text on which it relied is inaccurate. The text was the usual misreport that emanates from a notorious news-agency called the Associated Press (Laughter), especially when it reports speeches of Honourable Members in this House, myself being the special target. Sir, the Associated Press on that historic day when I gave a warm support to the Honourable the Commerce Member reported to the country that I described him as having dual personalities of a patriot and of an Imperialist. The speech is before me here, and I shall presently remove that misapprehension of the *Statesman*. The editor of the *Statesman* is a great editor and was an important Member of this House. *Ex-Members* of the Assembly, even though newspaper editors, are not expected to read the reports of the proceedings of this House. They naturally rely on news-agencies and responsible news agencies even though the latter specialise deliberately in *suppressio veri* and *suggestio falsi*. (Laughter.) And that is why, in order to get my support, that the Honourable the Deputy Leader of the Opposition indulged in this gross misquotation to the effect that I spoke of Sir Joseph Bhore as having two personalities,—of an Imperialist and of a patriot. And treating him as an Imperialist, Dr. Ziauddin Ahmad proceeded with long speeches unnecessary and irrelevant on this occasion as if to block the Bill in its passage or press it to a division. Otherwise, there is no necessity or justification for the quotation. But my attitude towards the Honourable the Commerce Member on this

[Mr. C. S. Ranga Iyer.]

occasion is exactly the same as it was on the previous occasion. I certainly spoke of two Sir Josephs, and I said :

“ There is at this end a Sir Joseph who loves this country with the passionate and profound love of a patriot, and there is at the other end (in England) the other Sir Joseph, Sir Joseph Nall (a Member of Joint Parliamentary Committee), an Imperialist of Imperialists, a die-hard who is not satisfied by the safeguard clause, who says that the Government must be prevented for all time to come from getting rid of that safeguard by giving bounties to the industry, etc., etc.”

Then, I went on to say :

“ Sir Joseph Bhore follows up and lives up to the principles of Napoleon Bonaparte when Napoleon said that a statesman's heart must always be in his head, and often times the heart of our Commerce Member is in his head.”

There is evidence of it in this particular Bill. He has thought with his head, he has approached the question with his heart and head alike combined, and that is why he was, to meet the Opposition Benches, prepared up to a point to compromise. He has put, as this House is no doubt aware, in regard to British tested structurals and plates, a revenue duty of ten per cent. *ad valorem* instead of being allowed free entry or  $1\frac{1}{2}$  times the excise duty leviable for the time being on steel ingots produced in British India. That is meeting the Opposition, because the Opposition has been crying hoarse that we are surrendering here our rights of raising a tariff wall against British and other *foreign* imports. I do not consider the British as foreign imports, and, so long as our goal is not independence, as the goal of the Congress happens to be, but Dominion Status, our economic policy, I say, must be regulated by coming to an agreement, whenever possible, so long as it is not disadvantageous to our own industries, with Britain, and that was the principle on which I took my stand when I endorsed the Ottawa Agreement and when I fought in the Committee that this Assembly should be given a Committee to examine in the light of Indo-British trade the rise and fall of advantage in regard to our own trade. The Committee is examining it, we have not got the Committee's report before us. But it is very easy to draw the red herrings of prejudice as the Congress people are doing out in the country and our friends on the floor of the House and say that we are doing to Britain a great favour to the disadvantage of our own industries. That kind of argument we may be prepared for in future years and we may have to fight it in this House and out in the country, but it does not lie in the mouth of the Opposition, which has consistently and rightly co-operated with the Government, to hug the Congress carcass which the Congress people are trying to put life into. (Cheers.)

**U Ba Maung** (Burma : Non-European) : Sir, coming from a Province in which there are no heavy industries and where the population has to rely on agriculture for its livelihood, I cannot be expected to display any enthusiasm to a continuation of the protective duties on iron and steel even in a modified form. It will not be denied that the burden we have borne has been heavy and of long duration, and I submit that we are entitled to relief in any direction we can find it, provided it does not kill this great Indian industry which our revenues have been instrumental in establishing. I find such a case in item 143 (b) (1), namely, fabricated steel of British manufacture which it is proposed shall carry the very heavy tax

of Rs. 46 per ton. It is clear from paragraphs 164 to 166 of the Report of the Tariff Board that Rs. 40 of this levy is only intended to be temporary, that Tatas can get along very well without it, and that the reason for imposing it for a short period is to give the fabricating concerns in India and the integrated concerns in England a chance to settle their differences. I fear, Sir, that that settlement may take a very long time if these concerns are left to continue their policy of annihilation of each other, and I recommend the Government, as soon as the Bill is passed, to exercise its powers under clause 2 and issue a notification that the surcharge of Rs. 40 per ton will be abolished six months hence. No further enquiry than that already held and reported on by the Tariff Board will be necessary. All over India there are important works requiring large quantities of fabricated iron and steel which cannot be long delayed. There is the Howrah Bridge for which money is available and which will require 25,500 tons of steel, as I have seen in paragraph 168 of the Tariff Report, and I noticed further that the Governor of Bombay, during his tour last week, stated that the construction of two bridges there was a matter of urgent public necessity and would be embarked upon as soon as money was in sight. In my own Province, that is, Burma, the road between Tavoy and Mergui (these towns were occupied by the British during the First Burmese War), which serves the important tin and wolfram mining and rubber growing industries, is impassable for seven months every year as this is intersected by two rivers over which a bridge must be built. Sir, as soon as they are built, Mergui will have a daily postal service with Rangoon instead of a weekly service by sea as at present. It will then be no longer necessary to pay a heavy subsidy to the British India Steam Navigation Company which is now given for carrying mails.

Then, Sir, turning from the industrial and commercial development of India for which steel is a prime necessity, may I remind the House that it is also necessary for repairing the havoc wrought by the earthquake in Burma on the 5th May, 1930, to one of our ancient famous pagodas. The great Shwemawdaw Pagoda at Pegu, in which I was born and brought up and am still residing, was then brought to the earth in ruins, and when it is rebuilt, its structural supports will be of iron and steel and will cost not less than 15 lakhs of rupees. The money for rebuilding is being found by public subscription and those to whom we have to look for funds are mainly among the poor cultivator class. I am sure, the House will agree that we should not have to pay an extra Rs. 40 per ton for our steel, just because the fabricating firms in India have lagged behind Tatas in the march to efficiency. Sir, it is of the utmost importance that a better understanding be created between India and Burma and, I am sure, that the people of Burma would regard it as a generous gesture of goodwill if Government would forego the Rs. six per ton excise duty and Tatas reduce their price by a further Rs. six per ton for the steel required for rebuilding this famous pagoda. In this connection, I beg to support the statement in the minute of dissent by Messrs. B. Das, S. C. Sen and Mahapatra :

“ We think that levying an excise duty for revenue purposes in a Bill to afford protection to a basic industry is wrong in principle and should not have found a place in this Bill.”

Sir, in conclusion, I am glad to see the progress Tatas have made under the shelter to which we, in Burma, have contributed so much and

{U Ba Maung.]

I ask that the duty no longer necessary for Tatas on fabricated steel be abolished regardless of revenue considerations without delay. This is all I have got to say.

**Sir Leslie Hudson** (Bombay : European) : I desire at the outset to acknowledge the spirit of accommodation which Government has shown throughout the discussions of the Select Committee towards the suggestions which were put forward. That has made our position easier and enables us to give our support to the Bill as it emerges from the Select Committee. In my speech on the first reading of the Bill, I referred at some length to the very debatable question of excise duties in general, and I concluded by saying that as a Group we suspended judgment until after we had heard what the Honourable the Finance Member had to say on the subject and until after the whole question had been thrashed out in the Select Committee. If, therefore, we now give our support to the excise, it is on two grounds. Firstly, we recognise that it is perhaps, at the present moment, necessarily bound up with the present financial position, and, secondly, we have the assurance of the Honourable the Finance Member, and also, so late as this morning, from the Honourable the Commerce Member that this is neither to be taken as a precedent for other industries nor to be regarded as a permanent burden on this industry. I submit that if it is found that an industry is protected by such a high tariff wall that Government revenues are affected seriously and the industry in question is making inordinate profits, then the proper remedy is not to impose an excise duty on the protected industry but to lower the tariff wall. After all, the consumer benefits by a reasonable amount of fair competition, but he loses doubly through an over-protected industry together with an excise which he and not the industry has to bear. I am glad that the Select Committee has agreed upon the retention of revenue duties on structurals and plates. The amount involved is small, but the principle which I enunciated in my earlier speech remains, namely, that a thorough examination of all revenue duties is necessary with a view to their removal where the law of diminishing returns operates, and where they have no substantial, though incidental, value that should be undertaken when the Government's general financial policy is under review. There is, however, one important modification to this general principle.

The question of the supply by Tatas of semis required by the re-rolling firms in India has, I understand, been the subject of a conference between the Government, Messrs. Tatas and representatives of the re-rolling interests concerned. The apprehension has been expressed that Messrs. Tatas may be unable to keep up the supplies of semis contracted for by them with the Tin Plate Company, the Indian Steel and Wire Products Company and the Eagle Rolling Mills, and much less to be able to supply sufficient quantity of semis to the re-rolling concerns in this country to enable them to keep their works running. If this is the case, it is obvious that these re-rolling firms must get their supplies of semis from elsewhere and it would be definitely unfair to them, if by the failure of Messrs. Tatas to supply sufficient raw material, they have to pay a countervailing duty of Rs. four per ton or a revenue duty of ten per cent., whichever is higher, which might cause them to pay more for their

raw materials than the fair selling price of Messrs. Tatas laid down by the Tariff Board. I will take, for instance, the item of sleeper bars, the supply of which by Messrs. Tatas is also, I understand, quite inadequate and I think the Tariff Board report confirms this. I understand that after supplying their own requirements there is only a surplus of some 8,000 tons of sleeper bar available, which is hardly a fourth of the requirements of Indian railways.

Surely, it is no part of the Government's protective policy that Messrs. Tatas should have a monopoly of the manufacture of steel sleepers when there is another plant in the country capable of manufacturing them. If, however, steel sleepers and sleeper bars are charged the same rate of duty, then the likelihood is that orders for sleepers which Tatas cannot fulfil will be placed abroad, as local manufacturers, other than Tatas, could not import the bar and pay the proposed duty and compete with imported finished sleepers. If manufacturers in this country are capable of doing this work, we suggest that it is in the interests of India that these orders should be kept in India and thus ensure the employment of Indian labour. I suggest that Sleeper Bars should be removed from their present heading where they are combined with Sleepers.

I have quoted the case of sleeper bars as an example of the difficulty of imposing on these Semis a countervailing duty, or a revenue duty, whichever is higher. Government might take executive action in such a case, subject to the safeguard, however, that when the *c.v.f.* price of imported Semis is less than the landed price, exclusive of duty, the duty should be such as to bring the price into line with the fair selling price of Tatas Semis as suggested by the Tariff Board.

In my speech I referred to the apprehension that Tatas with a considerable measure of protection may tend to become more and more monopolistic. In his reply, Mr. Mody made reference to the instance of the manufacture of brick products but he omitted any reference to the other industry, namely ; Coke.

The Tariff Board report states that Tatas are able to produce only about 89 per cent. of their requirements of coke, the remaining 11 per cent. having to be purchased elsewhere. It is actually purchased and obtained from collieries in Bihar and it would appear from the Tariff Board report and from Messrs. Tata's representation that it has the intention itself to erect a new coke-making plant which will, when completed, be able to supply the whole of their requirements. This will entail the closing down of these coke-making plants which at present supply the eleven per cent. to which I have referred, and the consequent loss of the capital invested therein, because, I understand that there is no outlet for the coke which is made by these companies. Possibly, when my Honourable friend, Mr. Mody, does us the honour of speaking on this reading, he will give the House some information on this point. I want to say one word about the confusion which is in the minds, I am afraid, of several Members of this House, and more particularly my Honourable friend, Mr. B. Das, concerning the distinction between differential duties and Imperial Preference. Now, Sir, Imperial Preference, in the generally accepted meaning of the term, is a principle which is now as dead as Queen Anne. Imperial Preference means a preference which



[Sir Leslie Hudson.]

is given to the Empire countries in the interest of the Empire at large. I say that that principle is dead, because even at the Ottawa Conference such agreements as were arrived at were reached on the basis of hard bargaining and in the interests of the participating countries. Differential duties, on the other hand, are based on India's interests and no one else's. The Tariff Board made it perfectly clear that in the case of British and continental steel a differential duty was fixed to correct the dumping tendencies of the continent and to put the continental and the British importer on exactly the same basis, and I cannot do better than quote from the speech of my Honourable friend, Mr. S. C. Mitra, in which he said that : " the fight that this great national industry is now waging is more against the continental importers because they are selling iron and steel at uneconomic prices, prices which are meant to destroy the Indian industry ". The Honourable the Finance Member also gave it as his view, that if at any time, the continental steel interests were to quote economic and not dumping prices, there might then be a case for the reduction of the differential rate, and this should, I think, explode the allegations which have been so frequently made that this Bill is intended not to protect the iron and steel industries of India but to protect British industries.

One matter which has been causing considerable comment for some time past is the fact that in addition to the protection given by the protective duties, Tatas have been enjoying special and advantageous rates of freight on the Bengal Nagpur Railway. That this must have been so is evident from the Tariff Board's Report and Tatas' own representation where it is stated that the new rates of freight which came into force from the 1st July, 1933, are going to add forty lakhs more to the haulage charges. Well, Sir, we are giving protection, because it is considered that the iron and steel industry must receive help for another period of seven years after which it is expected that it will be able to stand on its own legs. I suggest that it was never intended that this Company should have permanent special arrangements with railways as regards freight. As the public does not know what the rates of freight were up to the 30th June, 1933, and does not know what the net rates are now in vogue, it is difficult to say whether the benefit is for the Company or for the consumer. In conclusion, Sir, I think, I may claim that we have, throughout our discussions in the House and in Select Committee, endeavoured to serve the interests of India first and last (Hear, hear) ; we have agreed to the continuance of protection to a national and basic industry for the further period of seven years ; we have agreed to measures which maintain the revenues of the country intact. We have opposed any measure to reduce the revenue duties, in view of the financial position of India, subject to the modification which I have mentioned in regard to semis and we have done nothing to place the British manufacturer at a disadvantage *vis-a-vis* his continental competitor. In short, we have endeavoured to be just to all concerned bearing in mind the needs of India and the requirements of her basic industries. I trust that the House will approve of the policy which I have just outlined and will accept the Bill, with the suggestions that I have offered, as it has emerged from the Select Committee.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, the Honourable Member in charge has invited this House to take into

consideration a very weighty report, weighty not from the point of view of avoirdupois, but weighty because there are as many as four signatures of the Members of the Executive Council appended to this report. If my recollection serves me right, there has been no other Select Committee of this House on which as many as four Members of the Executive Council have found it necessary to sit. Perhaps my Honourable friend, the Member in charge, felt that on this particular occasion he needed all the moral support that he could get from his Colleagues. Now, Sir, so far as the Honourable the Law Member is concerned, to use a now famous phrase, the less said about him the better, because, under the rules of this House, he need not even be named in a motion for the appointment of a Select Committee, and, as an *ex-officio* Chairman of all Select Committees, he is sure to be found occupying the chair if there is a meeting.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President Mr. Abdul Matin (Chaudhury).]

Then there is my Honourable friend, Sir Frank Noyce. I think his claim to be a Member of the Select Committee is derived from the fact that he describes himself as the Member for Industries. But, as far as I know, under the present constitutional dispensation, the Central Government has very little to do directly with the interests of any industry in this country unless it be the industry of the manufacture of red tape. But, then, I must forget that my Honourable friend has another undeniable qualification for membership of a Select Committee which is to deal with fiscal matters. My Honourable friend was the President of a special Tariff Board at one time, whose recommendations were summarily rejected by the Government of India.

Now, Sir, I come to my Honourable friend, the Finance Member. Of course, he has got to be in a Select Committee of this character to safeguard the revenue interests of the Government. Not merely that, as the latest gift of Great Britain to India, he has also to remind us about the political complications that might arise if we were to pursue any particular course while dealing with this measure. My Honourable friend is quite sure that he is no longer a servant of the British Government, nor is he in confidential correspondence with that Government. But he must, at the same time, exercise his right to represent the views of the British manufacturers in such matters, as he himself made it quite plain in his speech when the Bill went to a Select Committee. Now, Sir, my Honourable friend, has, as I said, got to safeguard the revenue interests of the country. He said that he looks upon this steel industry as a composite taxing unit which must yield a definite amount in revenue. He does not care whether it is obtained by this means or that, but he must have what revenue he expects from this composite item. My Honourable friend reminded me of another great financier, but he lived in Venice ages ago, who insisted upon his pound of flesh. But, Sir, my Honourable friend, I am glad to observe, has, after all, agreed to certain very modest kinds of compromise in the Select Committee which, I take it, he considers to be absolutely innocuous from the point of view of the British manufacturers. I think I must now put in a word on behalf of the Honourable the Home Member, although he is absent from the House today, because he is the only Member of the Executive Council who, as a Member of this House, was not taken into this Select Committee,

[Mr. K. C. Neogy.]

and I am afraid his absence is an indication that he wants to record his protest against that invidious treatment. (Laughter.) As Home Member, I am sure he is interested in seeing the steel-frame of the Indian administration maintained, and, I think, he had every right to be included in the Select Committee, if only to urge the free importation of British tested steel. In spite of the fact that the Honourable the Home Member did not find a place in the Select Committee, it is, as I said, a very weighty report, and certainly it has had the best consideration on this side of the House. While I recognise that the Government have agreed to certain compromises, I fail to see how they meet the objections that were raised from this side of the House. Without taking much time of the House at this hour, I should like to place on record the emphatic protest of myself and of my friends to the imposition of an excise duty on a protected industry. (Hear, hear.) I do not think I need repeat the arguments that have been used in my Honourable friend, Mr. Das's Minute of Dissent, but I may tell my Honourable friends opposite that we, on this side of the House, generally agree with the sentiments expressed there.

Now, Sir, my Honourable friend, Sir Leslie Hudson, took exception to this measure being described as an Imperial Preference measure. I do not find my Honourable friend, Mr. Das, referring to it in those terms in his Minute of Dissent. What he said was that this measure lays down preferential tariffs for the benefit of British steel. I do not think my Honourable friend can dispute that proposition. It is certainly going to benefit British steel in so far as British steel will be enabled by these differential, or preferential, rates of tariff successfully to compete with continental steel in the Indian market. That is certainly a proposition which cannot be challenged from any side of the House. As a matter of fact, that was the position taken up, as far as I remember, by the Honourable the Finance Member himself. I think the purport of his speech was that if you do not have this kind of preferential system of tariffs, then the British manufacturer will be completely ousted from the Indian market, a contingency which could not be contemplated with equanimity in this country because of the likely political reactions that it might create in England. Now, Sir, I want to put a particular point to my Honourable friend, Sir Leslie Hudson. He accepts the findings of the Tariff Board, and is convinced that so far as the items of the British steel are concerned, they do not stand in need of protection *vis-a-vis* the Indian industry. This is what I find in paragraph 99 of the report of the Tariff Board :

"It will be seen from the preceding tables that the need for protection is now confined entirely to the competition from continental imports. No protective duties are required against the British imports except bars and sheets. The duties required on these do not, however, exceed the normal level of revenue duties and are considerably below the existing level."

I take it that my Honourable friend accepts this finding of the Tariff Board as correct. Now, Sir, if that be the position ; and if we are also to accept the statement made by the Honourable the Finance Member that continental steel is being dumped into this country—dumped in the strict technical sense of the term and not in the non-technical sense in which perhaps some people might say that Great Britain is dumping Finance Members into this country.....(when responsible Members of Govern-

ment use technical expressions, I take it that they intend those expressions to be interpreted in their technical sense).....if continental steel is being dumped in India, if again there is no need of protection so far as British steel is concerned, why, I think the most straight-forward course would be to withdraw this protection measure and impose revenue duties on a uniform level on all foreign imports, and if dumping is really established as against the continent, then to have an anti-dumping legislation and put on additional duties against those countries which are found guilty of dumping. I know that this point of view has been put forward by a financial journal in Calcutta. There, I do not know on what authority, it is stated that : " the Company too from what we understand of its attitude is prepared to be regarded as a non-protected industry ". I do not know whether my Honourable friend, Mr. Mody, is going to speak, but when he does, he will I hope, explain what is meant by this. I should like to know from him also as to whether he is prepared to accept as an alternative to this Bill, a measure in which there may be uniform revenue duties all round against all foreign imports *plus* anti-dumping additional duties against the continental steel. I should like to know from him as to what the position of the industry will be if an alternative step like that were to be taken. I very much hope that my Honourable friend, Sir Leslie Hudson, will support this particular idea if he is true to his own opinions.

I remember that when in 1924 we had the Tariff Board report before us, it was confidently expected not merely by the Tariff Board but by Government as also the Non-official Members of the Legislature, that in the course of 15 or 20 years, India will be absolutely self-supporting in regard to her needs of steel. Now, we have completed ten years from that date. I also know from a statement made in the Tariff Board report that it takes full five years for a steel plant to set going. Is the Honourable Member in charge in a position to repeat that assurance, that is to say, that within ten years hence India will be absolutely self-supporting in regard to her needs of steel ? The point that was made, on the occasion when the first Steel Tariff Bill was before the Assembly in 1924 was that in determining the period and the extent of protection, we must remember that the terms shall be such as to induce fresh capital to come into this industry so that within a definite period—in this case the utmost period that was laid down was 20 years—there would be at least two or three more concerns like the Tatas springing up. That was the expectation of the Tariff Board, and it was on that assurance that the consumer was expected to make a temporary sacrifice, so that at the end of that period, India would be absolutely self-supporting in regard to her needs in respect of steel. I should like my Honourable friend to tell this House as to whether the terms of this measure are such as to encourage any reasonable belief that there will be two or three or even one more concern like the Tatas coming up within the next ten years, so as to fulfill the expectations which were held out in 1924. Unless my Honourable friend is in a position to say that, I do maintain that you are departing from the fundamental principles on which protection was initially granted to this industry. I know in one part of the present Tariff Board report, they express the hope, rather they express their belief, that there is sufficient room for one more concern to spring up ; but, at the same time, I also remember that so far as the geographical situation of the iron-ore deposits and the coal deposits is concerned, it would make it rather difficult for any second

[Mr. K. C. Neogy.]

concern to compete successfully with foreign steel in outlying parts of India. This seems to me to show that we are very near a contingency when India will be asked to share her steel market with Great Britain. Such a demand was put forward on behalf of an organisation of steel manufacturers in Great Britain, who, in their evidence before the Tariff Board, made the claim that India should now come to an understanding with the British steel manufacturing interests so as to partition the Indian market of steel as between the Tatas and other minor concerns on the one hand and the British manufacturers on the other. I should like to know whether Government are going to see to it that, whatever fiscal policy they may adopt, they will bear this in mind that when the consumer was asked to make an enormous sacrifice in 1924, it was not for the purpose of enabling some organisation of British interests to come forward and share the steel market with the Indian industry. I know that when in 1924 the Steel Bill was introduced, it was acclaimed as an evidence of the genuineness of the fiscal freedom that was conferred on this country by a convention agreed to by the Government in Great Britain, not that the Non-Official Members of this House took any delight in penalising the British industries merely for the purpose of penalising them, but they took this as an acid test of the value of our constitutional rights : " did our fiscal powers enable us to protect our industries even as against the British industries " ? And inasmuch as the legislation of 1924 did not discriminate between British and non-British, the Non-Official Members hailed that measure as a proof positive of the genuineness of the fiscal freedom enjoyed by this country under the present Constitution. Then came the Tariff Board inquiry of 1926 leading to the Bill of 1927. I very well remember, that the Honourable Sir Charles Innes, while supporting the differential duties which were for the first time proposed by that Tariff Board for the benefit of British steel, was as careful as a tight rope dancer, always anxious to make out that it was not any preference that was intended for the benefit of Great Britain but that Great Britain was virtually synonymous with standard steel and continental steel was synonymous with non-standard steel, and as the rates of duty need not be the same as between the standard and the non-standard steel, for the sake of facility of expression we might as well distinguish between British steel meaning standard steel and the non-British meaning non-standard steel. A few years later, it became almost an article of the fiscal faith of this country to grant preference in favour of Great Britain in diverse matters. Even before the Ottawa Agreement was come to, the spirit was abroad in the Government of this country that there must be some kind of preference for the benefit of the British industries. Today we find an Honourable Member of Government getting up and reminding us of the dire consequences that will overtake this country if we were not to agree to such preferential treatment of Great Britain. Sir, whether you call it Imperial Preference or whether you call it by some other name, what is the principle behind it all ? I will allow one of the later advocates of the idea of imperial economic unity, namely, the first Lord Melchett, better known as Sir Alfred Mond, to state what is the object behind this idea of imperial economic unity which appears to be the guiding principle of our fiscal policy of the present day. This is what Lord Melchett says :

" The people of this country should accord to some future Government of this country freedom to take steps necessary to make the Empire a real economic unit,

subject to the condition that each decision is preceded by an appropriate investigation to ensure that its results will on balance tend to enlarge *British* trade and raise the standard of living of the *British* people."

**Maulvi Muhammad Shafee Daoodi :** Sir, this is no doubt a very big subject but I shall confine myself to the point of view of the layman. You know I belong to Bihar and Orissa where the industry is situated and where coal which is the basic foundation of the industry is found in plenty. It is in the neighbourhood of that part of the country where these facilities are to be found, coal, iron and everything else. Even labour is very cheap in that part of the country. Before protection was granted, I know in what plight the masses in that part of the country were and what was the stage in which the agricultural implements were manufactured there. When I compare the condition ten years before with the condition prevailing at the present moment, I find that Bihar and Orissa had to suffer more than any other part of India. I have been told that the Punjab is in a better position so far as the price of its steel ingots is concerned. We further find that the protection so far given has not afforded the subsidiary industries of Bihar and Orissa where the industry is situated any help whatsoever, and any opportunity to improve their agricultural implements or other instruments in which they generally deal. It appears that there is something wrong somewhere. I have not been able to find out exactly where the shoe pinches, but it is no doubt true that agriculturists and subsidiary industries in Bihar and Orissa have suffered greatly, although the key industry of iron and steel lies in that Province. It appears to me, therefore, that the Tata Company have been dealing in their business in such a way that the people living near by have not profited as much as they should have. The consumers' point of view is not at all considered either by Tata's or by the Government of India. When the Bill was introduced, our friend, Mr. Vidya Sagar Pandya, and, to a certain extent, Dr. Ziauddin also advocated the cause of consumers, and I hoped that the Select Committee would do something to help the cause of the consumers. But I am very much disappointed to find that nothing whatsoever is said about the interest of the consumers in the report. Rather, from what appears on the paper itself, they have increased the burden on the consumer. I do not, therefore, feel inclined to say words of praise, either for the Company or for Government, in a matter in which the interests of the large masses are ignored. I am tempted to say that it appears that there is a combination of capitalists to squeeze as much money as possible from the poor people without minding the distant consequences of such indirect taxation. I can safely say that the consumers are being bled for the sake of the capitalists and the growth of the steel industry is not apace as may be desired in this country, notwithstanding coal and other raw materials being so abundantly found in our own country. The implements of the agriculturists have become dearer than they were some time before. All improved implements of agriculture come from distant parts of the country to Bihar. That shows clearly that the freight disadvantage which has been allowed to Tata's is responsible for this state of things. I know the people of Bihar have been very zealous in taking advantage of raw materials from Tata's in building up their own industry. But although the industry is situated close to Tata's, the advantage of nearness is not secured to them. I do not dispute the right of Tata's to protection, but I would certainly say that the interests of the consumers should be the first concern both of Tata's as well as of Govern-

[Maulvi Muhammad Shafee Daoodi.]

ment and the only way in the present circumstances to safeguard the interest of the consumers is to compel the Company to sell iron and steel at a price fixed by the Government. If that is done, then, I think, the interests of the consumers would be to a certain extent safe.

I have not gone into the mass of figures in the report—it is for

4 P.M.

Dr. Ziauddin Almad to do what he has done—but what I find is that a great margin of profit has been given to the Tatas in every item—in the costs of production, in the profit on the money advanced, in overhead charges, in point of lag, and so on : but this is for the mathematicians to take up and tackle. For me it is clear that the advantages given to the Tatas are far more than they really deserve ; and the fair selling price which has been found out by the Tariff Board, even on this basis, is not the price at which the Company is compelled to sell its products. There is no doubt, that the fair selling price is simply a price written down on the paper but of no avail to the consumers. The Company takes advantage of the changes and fluctuations in world prices and of exchange, and, thereby, sells its products at a very high price—much higher than what has been fixed by the Tariff Board from time to time. Complaints have reached me—it must have reached other people also—that the Company is not under the obligation of selling it at a definite price. They have the option of raising it to any extent they like and that is the reason why they naturally would not like to sell their products at a price which has been fixed as a fair selling price in the report of the Tariff Board. On behalf of the consumers, I say that if that is not done, then the extension of protection to the Tatas would be of no good to the country. For the last ten years we had the experience of protection given to the Tatas. We expected that in India the steel industry would increase in volume, but what I find is that in my own Province it has not increased at all. Some of the agents of Tatas, some who deal with the Tatas, have made money no doubt ; but generally the industry has not given any benefit to the people in general. It is a difficult proposition to compel the Tatas to sell at a fixed price ; but this House has accepted the principle of Government settling prices, wherever it is necessary. In the case of sugarcane, it was found necessary that the sugar factories should be compelled to pay a certain price to the sugarcane growers, and for that purpose a law has been enacted in this House. I feel that the same principle should apply in this case.

**Mr. B. Das :** If you suggest that the iron ore supplied to the Tatas by Orissa should secure more price, I would welcome such a proposal.

**Maulvi Muhammad Shafee Daoodi :** I do not mind that : you may have it ; but what I say is that there should be a price fixed by the executive of the Government and the Tatas should be compelled to sell their products at that price. That is my point and I was saying that there is a precedent in this House : we have enacted a provision of law to fix the price of sugarcane : why should we not fix the price of iron and steel produced in this country ? If that is done, I think it will save crores and crores of rupees which these poor peasants have to pay to the Tatas under the present conditions. Some of my friends say that clause 2 of the Bill is enough for compelling the Tatas to sell their products at a fair selling price fixed by the Tariff Board : but I do not find there is any

provision in that compelling the Tatas to sell their products at a certain price. I should like to learn from the Honourable the Commerce Member, who has so ably moved this Bill and has captured the imagination of the Honourable Members of this House by his amiable speech, as to whether there is any provision anywhere in this Bill by which the fair selling price adopted by the Tariff Board should be the price at which the Tatas should be compelled to sell their products. If that is done, I would be satisfied that the Government have the interests of the consumers at heart and that they are trying to help the poor agriculturist and the consumers who are not at all organised, and who cannot be so soon organised being spread over the whole of India. It is for the Government to watch their interests more carefully than they should watch the interests of the iron and steel company. I should like to be enlightened on this question very clearly by the Honourable Member in charge of the Bill.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, it is no good my opposing this motion because I know it will be carried. Therefore it is that I beg to submit a few observations for the consideration of this House. On the last occasion, I protested against any protection being given for the reasons that I then stated to this Honourable House. Unfortunately that protest had gone unheard, and the principle of granting protection to the Tata Company had been accepted. Under the circumstances, there is no good—I do not think I would be in order, I do not think I would be showing sufficient respect to the opinion of this House—to start again protesting against the grant of protection to this Company.

**Mr. B. R. Puri** (West Punjab : Non-Muhammadan) : You will be perfectly in order.

**Raja Bahadur G. Krishnamachariar** : I do not think I will be in order because the House having accepted the principle of protection, it is no longer open to this House to review what it has already done...

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You can oppose this Bill and vote against it.

**Raja Bahadur G. Krishnamachariar** : I shall come to that later when that stage comes ; but at present the consideration of the report of the Select Committee is before this House and my attempt once more is to try and bring this Bill into conformity with the interests of the consumer.

Sir, we have had an excellent speech from my friend, Maulvi Shafee Daoodi, and, I think, most of us here represent the rural interests. There are very few persons here who represent an urban constituency, still less a commercial constituency, and yet, what do we find ? The grant of protection invariably casts a heavy burden on the consumer. Times out of number we have heard in this House statements about the poverty of the agricultural population, of the poor teeming millions, out of which 49 millions go from year's beginning to year's end without knowing what it is to have a full meal a day. You have heard of all this rhetoric, but when it comes to a question of weighing the interests of the consumer as against the industrialist, somehow or other, all that denunciation is forgotten, and we go the whole hog for the interests of the commercial magnate. Once he is given that protection or that concession, or by whatever name you may call it, and the thing is done, sealed, signed and it is practically going to be delivered, we stand up here, Honourable



[Raja Bahadur G. Krishnamachariar.]

Member after Honourable Member stands up here and pleads for the consumer. Now, what is the good of that please? You have already sealed the fate of the consumer by agreeing to the principle of this protection...

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

And, although I am told that I can move for the rejection of this Bill, so far as the precedents go, there have not been even half a dozen motions for the rejection of the Bill at its Third Reading. It is all camouflage. You may satisfy yourself and your conscience by saying that you have done your best, but I submit that this House has not done its duty if really it thinks of the interests of the consumer. Sir, as my friend, Mr. Neogy, pointed out,—I hope I have not misunderstood him,—the expectations, that were raised at the time when this protection was given on the first occasion, have not been fulfilled. How long are you going to continue this sort of protection in the hope that those expectations that were raised then would be fulfilled some day, meanwhile piling agony upon agony upon what is admittedly the poorest of the population in the world? That, Sir, is my position, and that position, although admitted in theory by everybody, unfortunately is cast to the winds when it comes to a question of giving practical effect to it, with the result that we all can go back to our homes thoroughly satisfied that Tatas have got protection, that the consumers have been asked to pay a few annas extra for their necessities of steel products, and everybody is quite satisfied. Tomorrow morning, when again another question comes up, again the argument of the teeming millions going without food will be advanced, and again without producing any practical effect. I respectfully submit that even at this stage it is up to this House to find out means by which the interests of the consumer would be placed first, in the middle and in the last. Mind you, I have absolutely no feeling against the Tatas at all. Let the Tatas get the whole of the revenue of India, I would not mind. What I do submit is, please don't put me under your iron heel in order to help the Tatas, or for the matter of that, any other firm.

There is the question of excise, regarding which I have tabled an amendment, and I do not, therefore, propose to trouble the House at this stage with any long observations. The amendment will, I suppose, come up in due course. I want to knock off that section which imposes the excise duty....

**Mr. Gaya Prasad Singh :** That will help the consumer.

**Raja Bahadur G. Krishnamachariar :** Exactly that is what I am trying to. You make speeches, and I make the attempt. That is my complaint here.

Another point to which I would respectfully invite the attention of this House,—it has already been ably dealt with by my friend, Dr. Ziauddin Ahmad,—is about these galvanized sheets. If I had the mathematical inclination of my friend, and if I could have worked out all those difficult and mysterious problems regarding the profits and regarding the way in which all these things are worked up to the benefit of Tatas, I should probably have been able to lay before this House certain other considerations in addition to those that were placed by my friend, Dr.

Ziauddin Ahmad, but, unfortunately, I cannot claim any knowledge of mathematical calculations or of the three different kinds of profits that could be calculated out of these statements. But as a plain man, I desire to repeat what I said on the occasion of the Second Reading, that these proceedings are absolutely useless so long as we are not supplied with the materials which were placed before the Tariff Board. Sir, discussing the principles of Regulation III and of those other repressive laws, some of us waxed eloquent upon the absurdity of even judicial officers coming to a conclusion upon a partial statement of the evidence against the man accused without cross-examination, without all those other tests that law provided, before a man could come to a reasonable conclusion. What does happen now? The Tata Company wants protection. They submit statements, and my friend, Mr. Vidya Sagar Pandya, asked the other day—'where is the balance sheet'? No balance sheet has yet been produced before us. Where are those statements that were submitted to the Tariff Board either in support or against the request that has been made by the Tariff Board? And yet, Sir, we are supposed to stand up in this House and practically take up the time of the House for absolutely no purpose whatsoever, and, as long as the balance sheet and other relevant figures are not supplied to us, the conclusion that one can come to is irresistible. We are supposed to make our criticisms upon those figures, but where are the figures? Really, Sir, we must be more serious in this very important matter, and I submit that without a proper supply of materials upon which these conclusions have been based, it is absolutely impossible for any one, except, of course, to those who sit on the Government Benches, to come to a conclusion as to whether the inference of the Government was right or wrong. Sir, I consider that the proposal for the lowering of the duty and at the same time for trying to find out a method by which it could be made up is not quite the correct way of viewing this position, but as I said, I shall have to deal with it later. It is not possible for me in the absence of materials to make any proposal, but I would respectfully ask the Honourable Member in charge, whom we all congratulate upon his happy recovery from his recent illness,—I would ask him to bring his mind, to bring his experience, to bring his vast knowledge, to bear upon this question and help the poor agriculturists as far as possible if he wants to give protection to Tatas. As I have said, I have not the least objection to your giving protection to Tatas or for that matter to any other firm, in the abstract, but it is only when you apply it to practical considerations that the trouble arises.

**Mr. Gaya Prasad Singh :** Sir, whenever my Honourable friend, Raja Bahadur Krishnamachariar, speaks in this House, he is listened to with respectful attention, and the present is no exception to that rule. My friend has referred to the interests of the consumer. I am quite at one with him in stressing upon the importance of lessening the burden which a protective duty on the Indian steel industry in this country might impose on the consumer. We are here to guard the legitimate interests of the consumer. But my Honourable friend forgets that the way in which the consumer's interest is to be protected lies in the deletion of clause 4 of this Bill which seeks to impose an excise duty on steel ingots produced in this country. Sir, this House has accepted the principle of discriminating protection from a long time as a result of the report of the Fiscal Commission of which many distinguished public men of this country were members. The Iron and Steel Company satisfies the three

[Mr. Gaya Prasad Singh.]

conditions laid down in the Fiscal Commission's report, and it is for this reason that, beginning with the year 1924, a scale of protective duties have been imposed on foreign imports in order to give a chance to our indigenous industry to establish itself firmly in this country. Now, when a protective duty is imposed, it is quite clear that the consumer's interest suffers to some extent during the period the protective duty is in force. Why is the consumer saddled with the burden of a protective duty? It is in order to foster the development of a national industry, so that, in later years, when it is no longer necessary to maintain the protective duty, the interests of the consumer may be safeguarded by the lowering of the price. After a stipulated period of time, the particular industry no longer stands in need of a tariff wall or a protective wall to foster it, and, then, when that protective duty is removed, the industry is in a position to stand on its own legs and to face the competition from foreign countries. When we are within a measurable distance of that time, when it may not be necessary to maintain the protective duty on this particular industry, the industry is being saddled with an excise duty which would necessarily result in increasing the cost of production and then the burden will naturally fall upon the consumer in the shape of increased price. Therefore, if the Government and we on this side of the House are genuinely interested in safeguarding the interests of the consumer, we should all unite in trying to delete the excise duty which is proposed to be levied by this Bill. I am very glad to know from my Honourable friend, the Raja Bahadur, that he has tabled an amendment. I do not find his amendment amongst the papers which are before us, but I am very glad that he has done so, and so also my Honourable friend, Dr. Ziauddin Ahmad. My Honourable friend, Maulvi Muhammad Shafee Daoodi, has also referred to the interests of the consumer, and he has said that the Tata Company is unmindful of the interests of the consumer. As I have myself stated, I am quite at one with him in trying to guard the interests of the consumer, but I do not understand quite clearly what my Honourable friend exactly meant when he stated that the Tata Company has been unmindful of the consumer's interest. He made a suggestion that the Government should compel this Company to sell their products at a price which may be fixed by Government. I do not quite understand how this will be a feasible course to adopt. If this is to be adopted we have got protective duties on the textile industry as well. Would it be feasible or proper, if we were to make the suggestion, that the cotton textile goods which are produced by our Indian mills should be sold in our markets at particular prices to be fixed by Government?

**Maulvi Muhammad Shafee Daoodi :** If they were making undue profits, then it should be done.

**Mr. Gaya Prasad Singh :** If the Tata Company are really making undue profits, some steps I admit may be necessary, but I do not understand how this particular course, which my Honourable friend has advocated, would be either desirable or feasible now, although that is a matter which I need not refer to in greater detail here.

As regards the Bill as it has emerged out of the Select Committee. I have to make one or two observations. With regard to clause 2 (a) I have to submit one thing. Here, in my opinion, more power is being

sought to be given to the Governor General in Council than is necessary or desirable to carry out the objects of the Bill. For, I find that power is being given to the Governor General in Council in these terms :

“ If the Governor General in Council is satisfied, after such enquiry as he thinks necessary, that any duty imposed on any article by Part VII of the Second Schedule has become ineffective or excessive for the purpose of securing the protection intended to be afforded by such duty to a similar article manufactured in India, he may, by notification in the Gazette of India, increase or reduce such duty to such extent as he thinks necessary either generally or in respect of such article when imported from or manufactured in any country or countries specified in the notification.”

Here, I feel that the power sought to be given to the Governor General in Council to increase or to vary the duties on a particular commodity is more than is necessary to carry out the objects of the Bill. I think that the Central Legislature must be consulted in the matter of increasing or decreasing the quantum of the protective duties. There is a proviso attached to this clause which says :

“ Provided that the duty leviable on any such article shall in no case be less than the duty leviable on a like article of British manufacture.”

I do not understand why it is necessary to retain this proviso. For instance, if a particular commodity is imported into this country and a particular scale of duty is to be levied on that, why should there be this stipulation that the amount of protective duty on foreign imports should not be less than, but may be greater than, or even equal to, the import duty which is levied on like articles of British manufacture? It is quite conceivable that there might be cases in which the import duty on continental goods might be less than the import duty on a particular class of British manufacture. I do not understand, therefore, why this proviso is at all necessary in this case. If this power is given to the Governor General in Council, to which I object, let it be given, but why should there be this limitation because it discriminates against continental goods? I have already made my submission on clause 4 of this Bill which proposes to levy an excise duty on certain articles of Indian manufacture. I will only refer to sub-clause (3) of clause 9 to which reference has already been made in some of the minutes of dissent which are appended to the Report of the Select Committee. Sub-clause (3) says:

“ In making any rule under this section the Governor General in Council may provide that a breach of the rule shall be punishable with fine not exceeding two thousand rupees.”

Now, Sir, I do not understand how the power of creating new offences, so far as this particular matter is concerned, should be given to the Governor General in Council. But I will not enlarge on this. My position, so far as this Bill is concerned, is shortly this, I am quite in favour of granting a scale of protective duties on a modified scale to the Iron and Steel Industry of this country for a stipulated period of time, after which they may be expected to dispense with this scheme of protection and may be able to stand upon their own legs. Now, reference has been made to the question of overhead charges in this Company. I do not know what is the exact position there. I should have been very glad if the balance sheet of this Company had been before us, but, unfortunately, this is not the case, but I understand that efforts are being made to decrease the amount of overhead charges. If not, I would certainly expect this Company to look very seriously into this matter and all efforts should be directed to curtail the amount of overhead charges

[Mr. Gaya Prasad Singh.]

and to employ Indian personnel so far as this is possible and practicable. I have already stated that I am opposed to this imposition of the excise duty and also the preference which is sought to be given to certain imports of British manufacture. The mischief has started, if I may say so, even before the Ottawa Convention. We granted Imperial Preference to certain goods in 1927. Thereafter, as a result of my friend, Mr. Mody's visit to Lancashire, we had the famous Mody-Lees Pact, which gave preference to certain kinds of British textile industries. Now, we have an extension of the same scheme of Imperial Preference. The Ottawa Agreement, if I may say so, with great respect, has confirmed the scheme, and I find that in this Bill which is before us efforts are being made to extend further the scheme of Imperial Preference to the detriment of our own industry. I do not object to this scheme on merely sentimental or political grounds but I object to it on grounds of practical considerations in the interest of our own industries. That is all I have to say so far as this Bill is concerned.

**Mr. Bhuput Sing** (Bihar and Orissa : Landholders) : Sir, the Bill before the House concerns one of the most important industries in the country, namely, the basic industry of producing pig iron and steel. It appears to be strange that the Government, which were so much solicitous of giving protection or rather over-protection to the industry in 1924 against the strong opposition in this country, have all of a sudden changed their angle of vision. Even when the Steel Protection Act of 1927 was being discussed in this House, Government, in the teeth of opposition in the country, extended abnormal protection to Tatas, but at the same time introduced for the first time in the history of the fiscal policy of India the principle of Imperial Preference. It appears to be all the more strange that the very same bureaucracy all of a sudden in 1934 found the baby steel industry of Tata to have grown so big and to have attained the full manhood, that in the opinion of the Tariff Board there appears to be practically no necessity for any more protection. The Tariff Board did not stop only there. But they even went out of their way and recommended that even the revenue duty on certain steel products imported from England should be abolished. During the last few years, since the Ottawa Agreement, it appears that the Indian Government is suffering from a new disease which I would like to name as the Ottawaphobia. The whole length and breadth of the Tariff Board report and the present Bill which is based on that report pervades the symptoms of the disease. At this stage it will not be out of place here to mention that even the President of the Bengal Industries Association—Mr. N. N. Rakshit—who gave a damaging evidence about the partiality of the Tatas in favour of bigger concerns in the matter of rates charged for the sale of pig iron, had been staggered to find the last Tariff Board Report. I would like to read an extract from his memorandum submitted to the Government of India on the present Bill on the 17th of July last. It reads as follows :

“Extremes, however, are always to be avoided, and if there was any lavish protection in the past, such a period of protection should not be followed by one of retaliation. Lavish indefinite protection there perhaps was, and perhaps it resulted in something undesirable in the Company's activities. But it seems the other extreme is now being attempted. Such an attempt has undoubtedly a bearing on the entire Indian steel industry and therefore is of very vital concern to the country in general, and all small and big iron and steel industries in particular.”

I must say that I also share with him his views that extremes of everything is bad. A few years ago Government was keen to give over-protection to Tatas and now the Government has come forward with suggestions of under-protection probably to benefit the United Kingdom steel industry.

Now, Sir, the smaller foundries using pig iron and foundry iron claimed some statutory provision to the effect that when the number of smaller foundries using such raw materials increase in the country and can consume the whole of the Tatas produce in that line, the price of such iron should be fixed at the same level at which it is now being exported by Tatas. In this connection, I may be permitted to read an extract from the evidence tendered by the President, Mr. N. N. Rakshit and the Secretary, Mr. Bhattacharjee, of the Bengal Industries Association, which will show why the smaller industries demanded such a statutory provision. I read as follows :

*“ President : We have seen a statement of prices realised by the Tata Iron and Steel Company over a period of years and we find that the average margin between the internal price and the export price does not exceed Rs. 12. In some cases it is lower than Rs. 12, so if that was the position, so far as the export price of the question is concerned, you have no complaint.*

*Mr. Rakshit : We have no complaint.*

*President : That is to say, Mr. Bhattacharjee, your Association asks for the stoppage of export of pig iron and as far as I can understand you are suggesting arrangements for the purpose of preventing the sale of pig iron abroad at prices considerably lower than the price at which pig iron is sold in this country.*

*Mr. Bhattacharjee : We do object to that because we thought that if it was sold cheaper abroad and re-converted there and brought back to India, it would be competing with smaller industries here.”*

Later on the President asked :

*“ You make that statement in your representation on the assumption that the margin would be considerably greater than Rs. 12.*

*Mr. Rakshit : Much greater than Rs. 12.*

*Mr. Bhattacharjee : The figures as they stood in 1932 were Rs. 64 and Rs. 20. If it is Rs. 30 and Rs. 18, then the risk of competition is practically eliminated.”*

Now, after tendering their evidence the smaller foundries thought that Government would take steps to remedy the defect, but on finding that nothing has been done in the matter, the Bengal Industries Association further submitted a memorandum claiming the same provision in the present Bill. Then, I come to the question of the exemption of the duties proposed in this Bill by the Select Committee on certain kinds of imported steel from the operation of section 4 of the Indian Finance Supplementary Act, 1931, by which a surcharge of 25 per cent. has been levied on all taxes and duties including the income-tax. Sir, it is an abuse of power of the Government of India to exempt the revenue duty on the steel from the surcharge. Sir, so long as the surcharge on income-tax is being maintained and so long as the cut in salary is being enforced there is no justification on the part of the Government to exempt those duties from the surcharge. When the surcharge was proposed in 1931 did the Government take into consideration the effects of such surcharges in individual cases ? If they did not consider the conveniences and inconveniences of the different kinds of taxpayers hit by the surcharge, what justification has the Government in considering that question in the case of the proposed revenue duties on imported steel ?

[Mr. Bhuput Sing.]

Sir, I emphatically protest against the exemption proposed in clause 3 (2) in the Bill till the burden of income-tax payers is lightened. I would suggest that this surcharge must be levied on revenue duties at least till the end of the current financial year and if in the next Budget, Government find themselves solvent, then they may bring forward such exemptions from surcharges along with other exemptions from such surcharges and it will be for the House then to decide which of the taxes and duties should be exempted from such surcharges. This reminds me, Sir, of a proverb in Bengal. The meaning of the proverb is that a beggar who has got no place for himself to sleep invites others to his place offering shelter. The same is the position of the Government of India. (Hear, hear.) They are in as bad a mess in matters of finance; yet they desire to show their generosity to the British steel industry. Blood is of course thicker than water and the white Bureaucrats are always eager to help their own men in the United Kingdom by opening the Indian market freely to the British industrialists, never mind what happens to the industries of this country.

Sir, I now come to the question of the levy of an excise duty on steel. I must say that this is the concomitant symptom of the disease of what I may call "Ottawaphobia". Every day, during the last two Sessions, we were faced with the levy of some sort of excise duty on some article or other and I wonder when this excise mania of the Government of India is going to end. In place of the discriminating protection came the Imperial Preference by the back-door. In place of the Imperial Preference came the Ottawaphobia. Close on the heels of Ottawaphobia came the concomitant disease of the excise mania and the present Government of India is proceeding like persons attacked with some sort of maniac disposition in respect of the levy of excise duty.

**The Honourable Sir Joseph Bhowe :** Sir, I find some difficulty, at the end of a long and somewhat tiring day, to reply in detail to the points which have been raised in the course of the debate, and I would ask the indulgence of the House if I am not able to deal as fully with them as they might have expected of me. I will not deal, Sir, at any length with the speech of my Honourable friend, Dr. Ziauddin Ahmad. The learned Doctor, in labour, has produced not twins, not yet triplets, nor yet quintuplets but a whole brood of amendments, which I am afraid, are all destined to an untimely end—at any rate I hope, Sir. (Laughter.) Sir, it is far easier for me to count the points upon which I agree with my Honourable friend than to count the points upon which I disagree with him. I would, however, refer to one point upon which I undoubtedly do agree with him. He was quite right when he pointed out that the imposition of a revenue duty, in cases where no protection was required, imposed an unnecessary burden upon the consumer. That, Sir, will I think be a very complete reply to the amendment which stands in the name of my Honourable friend, Mr. Thampan, who wants, for instance, the countervailing duty to be imposed in addition to the revenue duty; and, Sir, it is quite possible that when we come to that amendment, I may ask you to call upon my Honourable friend, Dr. Ziauddin Ahmad, to reply on behalf of Government. (Hear, hear.) (*Dr. Ziauddin Ahmad* : "Accept-  
ed.")

Sir, I shall only refer to a few of the special points that have been made before I come to the more general criticisms. Take, first of all, the case

of the subsidiary industries. I want to make the position clear so far as they are concerned. Firstly, as regards the supply of tin bar to the Tinplate Company, I have already made the position of Government perfectly clear, and I stand by what I have already said in my first speech. Secondly, I come to the supply of billets to the wire nail industry. There, Sir, I want to make it quite definite that we expect the Tata Iron and Steel Company to provide the industry with its raw material at a price not exceeding Rs. 64 *plus* the excise duty, whatever it may be. Then, Sir, thirdly, I come to the re-rolling industry. The House knows that we had a conference last Sunday and we are now fully seized with the case for these interests. We know exactly what it is that they want but we are not in a position definitely to say how far we can go until we have remitted certain points which arose during the course of our discussion to our technical advisers for their examination and advice ; but I can assure the House that we will give to the re-rolling industry assistance on the general lines laid down in the Tariff Board's Report. To be specific, we will do what we reasonably can to ensure that the price of their raw material will not exceed Rs. 64 at port *plus* the countervailing excise duty. That I think completes the case of the subsidiary industries. A number of points were raised to which I think it unnecessary for me to refer at this stage, because they must come up in connection with the amendments which will be moved and it will then be open to us to place our view before the House. But, I think, I ought to say something about the more general criticisms which have emanated from certain sections of the Press, from certain commercial bodies and traces of which have not been absent from this House. I ascribe those criticisms very largely to political bias and prejudice, partly also, if I may say so, to a failure to read the Tariff Board's Report, and to study our Bill, at any rate to do so in any spirit of judicial fairness. Let me, Sir, summarise briefly the criticism to which I refer. Stripped of all its embroidery and embellishment, it boils down to three main objections. The first is that sufficient protection has not been given to the Tatas. Secondly, that the import duties on British goods are on too low a level ; and, thirdly—and here we come to a more specific point,—that we have not made sufficient differentiation between the cases of tested and of untested steel. I think when I have covered these three points, I will have covered the main criticisms which have appeared in the Press, outside this House, and within this House also.

Now, take the first point, namely, the point about insufficiency of protection. The Tariff Board has proceeded in the old, accepted way by first of all arriving at a " fair selling price ". It has then proceeded to ascertain the price of the competitive foreign and British articles in this country. In assessing the actual amount of the protection that is necessary in any case, the Tariff Board is faced with two duties. First of all, it has to arrive at a fair selling price and, secondly, it has to arrive at the price of competing articles from outside. In arriving at the first, the Tariff Board has had recourse to no subterranean calculations : it has indulged in no secret juggling of figures. And, as regards the second, it has merely had recourse to recorded figures which are open to anybody to verify. The critic, therefore, who says that the recommendations of the Tariff Board in regard to protection are insufficient, has to point out either that the calculated selling price is inaccurate or that the assumed prices of competitive articles are wrong. Now, Sir, when I made my last speech, I



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think, I made it clear that if it could be proved that any of the figures which the Tariff Board had recorded were wrong, if it could be shown that they had been reached by any processes which were faulty, or that the facts upon which they had based their conclusions were erroneous, then we were quite prepared to examine contentions of that nature and see whether the Tariff Board's recommendations needed modification in any particular. No such complaints have reached us, and I would now say this that if critics are unable to point out any mistake in the calculation of the fair selling price and if they are unable to show that the Board is wrong in having assumed certain prices for competitive articles, British and foreign, then they have no right to indulge in wild generalizations to the effect that this Bill gives protection to the British industry and not to the Indian industry. That brings me, Sir, to the second point, namely, the allegation that the import duties on British goods are at too low a level. Here also on the last occasion I said that if the complaint was that the duty proposed on British goods was insufficient to give effective protection to the Indian article, then it was quite another matter and we were quite prepared to hear any evidence in support of such a charge and go into the figures. Here, again, Sir, with one exception, no one has attempted to challenge the correctness of the figures assumed by the Tariff Board in regard to the selling price of British goods. That one exception was my Honourable friend, Diwan Bahadur Ramaswami Mudaliar. He took exception to the selling price assumed by the Board in regard to British galvanized sheets. He suggested that it was possible for British galvanized sheets to sell in this country at the same price as continental. I controverted that proposition and I based my objection on the findings of the Ottawa Delegation who had definitely gone into this matter when they were abroad—findings which were verified by subsequent advices and by subsequent enquiries which we instituted. My Honourable friend, the Diwan Bahadur, did me the honour subsequently to discuss this point with me personally. I laid before him the evidence upon which I supported my contention and I asked him whether he would wish me to make any reference to any quarter in order to substantiate still further my contentions in this matter. He suggested that I should send a telegram to Colombo and ascertain the price of British galvanized sheets quoted there. I did so and I got a reply from the Collector of Customs, Colombo, an officer who is not under the control of the Government of India, which showed that my contentions were absolutely justified. Now, Sir, I have made reference to this matter for two reasons. Firstly, to acknowledge the courtesy and fairness of my Honourable friend and, in the second place, to substantiate the correctness of my own allegations. So much, Sir, for the point in regard to the price of British galvanized sheets. I think we have established beyond doubt that the price cannot be below Rs. 160 c. *i. f.* Now, my Honourable friend, Mr. Reddi, suggested that British galvanized sheets should be subjected to the same duty as continental sheets. We will deal with that when the amendment which bears on that subject comes up for consideration, but I would only point out here and now that if that suggestion were accepted, it would impose an intolerable burden upon the consumer, far more, I think, than my Honourable friend has any conception of at the moment. Sir, I frankly admit the necessity for seeing that the continental importer is not unduly or improperly penalised. I am at one with those who point out the danger inherent in an unfair handicap

on continental products. But I would draw attention to the pregnant observations of the Tariff Board on the question of continental competition. This is what they say :

“ Continental prices have shown an extraordinary degree of fluctuation during the past few years and often appear to bear no definite relation to the costs of manufacture. The sale of Continental steel is effected through an international organisation which apparently regulates prices for export markets according to the local condition of each market and not necessarily to the expenses of production. It is against this class of competition based on indeterminate and often uneconomic prices that the Indian industry now requires protection.....To this extent therefore it is reasonable to suggest that the protection which we now propose for the Indian steel industry may be regarded as in the nature of an anti-dumping provision rather than as a measure of substantive protection.”

I would like to say that when continental prices become stable and economic, there is nothing to prevent us from utilising our powers under clause 2 to bring the duties into line with such modifications of prices. That takes me to the third point, namely, the question of the differentiation between tested and untested steel. Here, also, I venture to think that many Honourable Members who have raised this point have not gone into the matter, at any rate, into the details of it, with any degree of care. I need only point out, in the first instance, that if the industry at any stage finds that the measure of protection which it was led to expect is not actually, in effect, being secured, it has a right to come up to the Government of India and ask that its case be referred to the Tariff Board for reconsideration. I have no doubt that if the industry makes out a *prima facie* case, such a reference will be made. Then, Sir, to those who have tried to make, not merely in this House but outside as well, some amount of capital out of this question and the prices of tested and untested steel arrived at in the Tariff Board's report, I would only say this, —firstly, that the prices which prevail today of tested steel will, I am sure, largely influence the industry itself in deprecating that the question should be raised at the moment, and, secondly, there can be no question of future dumping of British steel at prices which will make it impossible for Tatas to obtain a fair selling price for their untested steel, because in that case the powers under clause 2 could and would be brought into play in order to set right the position.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Without a reference to the Tariff Board ?

**The Honourable Sir Joseph Bhore** : Yes, Sir. Of course, clause 2  
5 P.M. does provide that the Government may make such enquiry as it deems fit and that power must always remain.

**Sir Cowasji Jehangir** : I admit that. It may not be on a reference to the Tariff Board.

**The Honourable Sir Joseph Bhore** : It may not be a full-dress reference to the Tariff Board. But I am not prepared to tie my hands at the present moment as to the nature of the enquiry, if any, which will precede the taking of action under clause 2. My Honourable friend cannot expect me to do that at the moment.

I think that I have, as far as I can, dealt with most of the general points of criticism. Other points will be raised and dealt with when the

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various amendments are moved. I again repeat what I have said before, that honestly and, I think, the debate today proves it, the scheme of protection embodied in this Bill is a fair compromise holding the balance reasonably between the interests of the industry and the interests of the consumer, and, I trust, Sir, that in its present form, the Bill will receive the full and undivided acceptance of this House. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Bill to provide for the modification and continuance of the protection afforded to the iron and steel industry in British India, and to impose an excise duty for revenue purposes upon certain steel, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 22nd August, 1934.

## LEGISLATIVE ASSEMBLY.

Wednesday, 22nd August, 1934.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

### QUESTIONS AND ANSWERS.

#### TRADE UNIONS IN INDIA CARRYING ON LIFE ASSURANCE BUSINESS.

763. \*Sardar G. N. Mujumdar : (a) Is it a fact that section 14 of the Indian Trade Unions Act of 1926 lays down that the Provident Insurance Societies Act of 1912 and the Indian Life Assurance Companies Act of 1912 shall not apply to any registered trade union ?

(b) Are Government aware that several registered Trade Unions in India are carrying on life assurance business ? If so, what action have Government taken or propose to take against such Unions ? If none, why not ?

(c) Will Government please state the names of the trade unions carrying on business as life assurance companies ?

(d) Have Government laid down any safeguards similar to those for life assurance companies in the case of trade unions carrying on life assurance business ? If not, do they propose to do so by amending the Trade Unions Act ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) and (c). Government have no information as to which registered trade unions are carrying on life assurance business, but the Indian Trade Unions Act permits them to do so, so long as policies of assurance are restricted to members.

(d) Section 28 (1) of the Indian Trade Unions Act, 1926, which provides for the submission by registered trade unions of annual statements of receipts and expenditure audited in the prescribed manner, enables every member to ascertain for himself the financial condition of his Union. Under this section it is also open to the Local Government to require the submission of separate accounts in connection with the insurance business of a registered Trade Union. In the circumstances, Government do not propose to take any action in the matter until experience shows the necessity for further safeguards.

#### APPOINTMENT OF A GOVERNMENT SERVANT TO A LOWER GRADE POST.

764. \*Sardar G. N. Mujumdar : Is it a fact that under Fundamental Rule 15, no Government servant shall be appointed to a lower grade post carrying less pay than his position in the cadre, save in cases of inefficiency or misbehaviour ?

**The Honourable Sir James Grigg :** The position is substantially as indicated by the Honourable Member, except in the case of a transfer effected on the written request of the officer concerned.

#### REDUCTION OF A RAILWAY EMPLOYEE TO A LOWER GRADE.

**765. \*Sardar G. N. Mujumdar :** Is it a fact that under paragraph 300 of the State Railway Open Lines Code, Volume II, no Railway employee may be reduced to a lower grade save as a punishment ?

**Mr. P. R. Rau :** The rule runs as follows :

“ The promotion of persons of all classes may be stopped, or their reduction to a lower grade may be ordered, as a punishment for misconduct or neglect of duty, at the discretion of the Manager or the Railway Board, according as these authorities make promotions.”

#### PROMOTION TO TRANSPORTATION INSPECTORSHIP.

**766. \*Sardar G. N. Mujumdar :** Is it a fact that under Rule 10, Section II, of the Rules for the recruitment and training of Subordinate Staff, only Station Masters, Controllers, or Yard Foremen are eligible for promotion to Transportation Inspectorship ?

**Mr. P. R. Rau :** No.

#### DECLARATION OF THE POST OF TRANSPORTATION INSPECTOR AS A SELECTION POST ON THE EAST INDIAN RAILWAY.

**767. \*Sardar G. N. Mujumdar :** Is it a fact that under Rule 2, Note 1, of the Rules for the recruitment and training of Subordinate Staff, the Agent, East Indian Railway, in his Circular No. 548/A.E.-2460 of the 1st October, 1932, declared the post of Transportation Inspector a selection post ?

**Mr. P. R. Rau :** Yes.

#### NON-ELIGIBILITY OF THE HOLDER OF A SELECTION POST IN A SUBSTANTIVE CAPACITY TO HOLD A LOWER POST.

**768. \*Sardar G. N. Mujumdar :** Is it a fact that the holder of a selection post in a substantive capacity is not eligible to hold a lower post, either temporarily, officiating or otherwise, in a non-selection grade ?

**Mr. P. R. Rau :** I am afraid I must ask my Honourable friend to make his meaning clearer and more definite before I can attempt to answer his question.

#### ALLEGATIONS AGAINST THE DIVISIONAL SUPERINTENDENT, MORADABAD.

**769. \*Sardar G. N. Mujumdar :** Is it a fact that the Divisional Superintendent, Moradabad, always and regularly disobeys the orders of the Railway Board, and the Agent and defies the rules and regulations ? If not, will Government please state :

- (a) the authority under which he has in his No. E.T.-3/33/S.M., dated the 11th October, 1933, ordered the Transportation Inspectors (substantive permanent since June, 1922), to officiate as Station Masters (non-selection posts) ;
- (b) the authority under which he has recommended unqualified clerks of his office for promotion to Transportation Inspectors ;
- (c) whether the Head Clerk, Trains Branch, appointed as Transportation Inspector underwent practical training in Com-

mercial duties ; if so, when and where and when he passed the higher grade's examination ; if not, the special reasons for his appointment ;

- (d) whether the Controller, appointed as Transportation Inspector underwent practical training in Commercial duties ; if so, when and where and when he passed the higher grade's examination ; if not, the special reasons for his appointment ;
- (e) whether the Guard appointed as Transportation Inspector underwent practical training in Commercial duties ; if so, when and where, and the special reasons for his promotion without working as Station Master ;
- (f) the number of Transportation Inspectors who are utilised as Station Masters, and the reasons for such action against rules and regulations ;
- (g) if there are any subordinates amongst Controllers, Section Controllers, Station Masters, and Assistant Station Masters, qualified in Commercial duties and in the Goods Audit Examination ; if so, why their names were not recommended and considered for the post of Transportation Inspectors ; and
- (h) when the Selection Board for these appointments was held, and whether they are prepared to lay a copy of the proceedings of the Selection Board on the table of this House ; if not, why not ?

**Mr. P. R. Rau :** The reply to the first part of the question is in the negative. As regards the rest Government have no information and must leave such matters of detail to the Railway Administration, but I have sent a copy of the question to the Agent, East Indian Railway, for his information and such action as he may consider necessary.

**PROVISION OF MEDICAL FACILITIES AND POLICE ARRANGEMENTS IN THE AREA NEAR THE GOVERNMENT OF INDIA PRESS, NEW DELHI.**

**770. \*Rao Bahadur M. C. Rajah :** (a) Are Government aware that great inconvenience is being felt by the staff of the Government of India Press, New Delhi, owing to the absence of medical facilities and inadequate police arrangements in that area ?

(b) What is the total number of quarters occupied by the staff of the above Press, and how many quarters have now been built on the Minto and the Circular Roads and allotted to the staff of the Government of India offices for the ensuing winter season ?

(c) How far are the nearest Government hospital and the nearest Police Station from the Government of India Press quarters ?

(d) Do Government propose to open a dispensary and a police post and appoint a medical attendant for that area ?

**The Honourable Sir Frank Noyce :** Information has been called for and a reply will be laid on the table of the House in due course.

**LANDING PLACE FOR AIR SERVICE IN RAMNAD.**

**771. \*Mr. B. Rajaram Pandian :** Are Government prepared to open a landing place for air service in Ramnad to connect Ceylon and India and open a mail service also ?

**The Honourable Sir Frank Noyce :** Government already have under discussion with the Ceylon Government a proposal for the extension of the existing Karachi-Madras Air Mail Service to Ceylon. It has been provisionally decided to make Trichinopoly the intermediate port of call between Madras and Colombo when the service is extended. It is probable that additional emergency landing grounds will be required but it is not yet possible to say where these, if found necessary, will be located.

**Mr. B. Rajaram Pandian :** Are Government making any inquiries on this subject as to the place ?

**The Honourable Sir Frank Noyce :** Naturally, Sir.

#### PROTECTION OF DHANUSHKODI, A SACRED PLACE OF IMPORTANCE TO HINDUS.

**772. \*Mr. B. Rajaram Pandian :** Are Government aware that the place, Dhanushkodi, which is not only meant for connecting Ceylon and India but is a sacred place of all-India importance to the Hindus, with a floating population of over a lakh annually, is being threatened with being washed away by the sea ? If so, will Government be pleased to state what protection they propose to give and what steps they propose to take in order to give due protection to that place ?

**The Honourable Sir Frank Noyce :** No, Sir. I have no doubt that the Local Government are fully aware of the position and will take any steps that they may consider necessary.

#### RUNNING OF AN INTERMEDIATE CLASS COMPARTMENT IN THE RAMESHWARAM EXPRESS OF THE SOUTH INDIAN RAILWAY.

**773. \*Mr. B. Rajaram Pandian :** Will Government be pleased to state whether the South Indian Railway is running an intermediate class compartment in the Rameshwaram Express ?

**Mr. P. R. Rau :** According to the current time table, intermediate class accommodation is provided on Nos. 1 and 2 Indo-Ceylon Expresses only and not on the Dhanushkodi Fast Passengers, which presumably are the trains the Honourable Member refers to as the Rameshwaram Express.

#### RETURN OF LABOURERS FROM CEYLON.

**774. \*Mr. B. Rajaram Pandian :** (a) Will Government be pleased to state the reasons for the return of labourers in large numbers from Ceylon in the months of February to April last ?

(b) What is the total number of labourers from the beginning of the year to the end of April ?

(c) What is the total number of labourers that have gone to Ceylon from 1st of May to the end of July, 1934 ?

**Mr. G. S. Bajpai :** (a) The number of Indian labourers returning from Ceylon to India during February to May is always larger than during the other months of the year. The number who returned during February to April last is not abnormal.

(b) 20,524.

(c) 71,659.

WORKING OF CREW SYSTEM ON THE SOUTH INDIAN RAILWAY.

775. \*Mr. B. Rajaram Pandian : (a) Will Government be pleased to state how the crew system is working on the South Indian Railway ?

(b) What is the actual enhanced income the Railway has derived since the introduction of this system ?

(c) Are Government aware that at dead of nights these crew-men go and disturb the sleeping passengers in the train ? If so, do Government propose to issue instructions to the South Indian Railway administration to stop the practice of disturbing the passengers at night ?

Mr. P. R. Rau : (a) and (b). I am placing on the table an extract from the Agent, South Indian Railway's Annual Report which gives all information Government have on the working of the system of ticket checking on that line during 1933-34.

(c) The reply to the first part is in the negative. As regards the second part, I am communicating the Honourable Member's suggestion to the Agent, South Indian Railway, for such action as he may consider necessary, in order to diminish the inconvenience to passengers as far as possible.

*Extract paragraph 3 from Agent, South Indian Railway's Annual Report for 1933-34 Section I.*

(i) There are 197 Travelling Ticket Examiners and 14 Travelling Ticket Inspectors for checking trains. Of these 20 Travelling Ticket Examiners and 4 Travelling Ticket Inspectors are posted at headquarters, divided into 4 squads of which one is a Special Festival Squad while the remainder of the Travelling Ticket Examiners and Inspectors are distributed on the districts as under :—

	Travelling Ticket Examiners.	Travelling Ticket Inspectors.	
Madras .. ..	30	2 and 4	} Travelling Ticket Exa- miners to form a squad.
Trichinopoly .. ..	35	2 „ 5	
Madura .. ..	27	2 „ 4	
Tinnevely .. ..	17	1 „ 4	
Podanur .. ..	25	2 „ 6	
Calicut .. ..	16	1 „ 4	

(ii) The Travelling Ticket Examiners allotted to the Districts check trains according to monthly rosters and about 70 per cent. of the trains are checked daily. The District Traffic Superintendents engage the District Squads to the best advantage for minor festivals, etc.

(iii) The 3 Ticket Checking Squads at headquarters are allotted to North and South Sections on the Metre Gauge and to the Broad Gauge. Each squad is split up into 3 batches who check passenger tickets on as many trains as possible. The Travelling Ticket Examiners assist in preventing trespass and see that tickets are properly collected at stations, they also attend festivals in the absence of the Festival Squad who attend all important festivals and check trains near stations at which a festival takes place. Normally their work is similar to the other squads.



(iv) Prosecution work continues to be done from headquarters.

(v) A comparative statement showing the results of working is appended:

*Statement showing Earnings and Expenditure of Ticket Examining Staff (running and office) from 1st April, 1933 to 31st March, 1934 as compared with the previous year (1932-33).*

No.	Particulars.	Period.			
		1st April, 1932 to 31st March, 1933.		1st April, 1933 to 31st March, 1934.	
1	No. of passengers travelling without tickets.	164,220		*164,411	
2	Amount collected—				
	(a) fare .. .. Rs.	1,06,346		*1,04,598	
	(b) Penalty .. .. "	33,302		33,962	
	Total .. .. "	1,39,648		1,38,560	
		Under Section		Under Section.	
		112	113	112	113
3	No. of prosecutions—				
	(a) Successful .. .. No.	39	1,369	34	1,186
	(b) Unsuccessful .. .. "	13	2,112	8	1,452
	Total .. .. "	52	3,481	42	2,638
4	No. of cases detected where luggage was improperly booked—				
	(a) Number .. .. "	37,367		37,990	
	(b) Amount collected .. Rs.	44,655		53,337	
5	No. of staff employed on the last day of the year—				
	(a) Travelling Staff .. No.	226		225	
	(b) Office staff including Crew Clerks .. .. "	28		18	
	Total .. .. "	254		243	
6	Cost of staff employed for the year—				
	(a) Travelling Staff .. Rs.	1,44,810		1,47,187	
	(b) Office Staff including Crew Clerks .. .. "	11,501		6,896	
	Total .. .. "	1,56,311		1,54,083	

\* Includes 946 passengers who voluntarily paid fares amounting to Rs. 1,996 du<sup>o</sup> to the Company for journeys beyond the original destination or in higher classes owing to their inability to procure the necessary tickets while commencing the journey.

NOTE.—1. The decrease under items 5 (b) and 6 (b) is due to the number and cost of crew office staff chargeable to the regular office staff of the Commercial Department not having been included during the year under review.

2. The figures of cost under item 6 represent gross cost.

**PROVISION OF SHEDS FOR PILGRIMS AT DHANUSHKODI.**

776. \***Mr. B. Rajaram Pandian** : Will Government be pleased to state if the South Indian Railway are prepared to provide pilgrim-sheds for the pilgrims who visit Dhanushkodi ?

**Mr. P. R. Rau** : With your permission, Sir, I shall answer questions Nos. 776 and 777 together. Government have forwarded the suggestions to the Agent, South Indian Railway, for consideration.

**Mr. Gaya Prasad Singh** : Are Government aware that pilgrims going to Dhanushkodi are put to a great amount of inconvenience for want of a shed there, as I myself witnessed a few years ago ?

**Mr. P. R. Rau** : I shall take my Honourable friend's word for it.

**Mr. Rajaram Pandian** : Sir, I may mention that the names of the two places are given wrongly here. They should be " Darbhasayanam " and " Navapashanam ".

**PUTTING UP OF A BOARD ON THE RAMNAD STATION, SOUTH INDIAN RAILWAY.**

†777. \***Mr. B. Rajaram Pandian** : Are Government prepared to advise the South Indian Railway to put up a board on the Ramnad Railway Station for pilgrims who want to visit Dharbhasmenjanam and Navajashanam, the two important religious places, in all the languages which would help a great way to the pilgrims who go from Northern India to these parts ?

**CONTRACTS GIVEN BY THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY, FEROZEPORE.**

778. \***Sardar Sant Singh** : (a) How are the contracts given by the Divisional Superintendent of the North Western Railway, Ferozepore ?

(b) Are such contracts notified in any way and tenders invited ? If so, how and in which papers ?

(c) What are the general terms of such contracts offered by him ?

(d) Are Government aware that the food stuff sold by these Railway contractors in the Ferozepore Division of the North Western Railway, is of very much inferior quality and the price charged by the vendors is exorbitant as compared with the bazar rates ?

(e) Are Government aware of the general dissatisfaction of the travelling public in this Division over this matter, and if so, how do Government propose to remove this complaint ?

**Mr. P. R. Rau** : (a) By selection of the most suitable local professional men from among the applicants.

(b) The reply to the first part is in the negative, and the second does not, therefore, arise.

(c) I am placing in the Library of the House a copy of the contract form.

(d) No, I understand that the tariff of charges at each station is sent to the local civil authorities twice a year and that they make the necessary alterations therein according to prices prevailing locally.

†For answer to this question, see answer to question No. 776.

(e) The Agent, North Western Railway, reports that during the last six months only four complaints have been received. This does not indicate general dissatisfaction.

#### PROTECTION OF THE SMALL INDIAN STEAMSHIP COMPANIES.

779. \*Mr. Gaya Prasad Singh : (a) Will Government be pleased to state whether they have received any representation during the current year from the association of the small Indian steamship companies, requesting them to call a conference of all the Indian shipping interests concerned so that all avenues to take the small steamship companies into the Conference might be explored and they might live and grow as an integral part of the Indian Mercantile Marine ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether they propose to call a conference of all the Indian shipping interests to protect the Indian steamship companies from being wiped out of existence ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) The matter is receiving the consideration of the Government of India.

#### DISCONTINUANCE BY THE BIBBY LINE OF STEAMERS OF CARRYING DECK PASSENGERS FROM COLOMBO TO RANGOON.

780. \*Rao Bahadur M. C. Rajah : (a) Will Government be pleased to state :

- (i) whether the Bibby Line of steamers are common carriers of goods and passengers ;
- (ii) whether they carry cabin passengers from Rangoon to Colombo and *vice versa* ;
- (iii) whether they still carry deck passengers from Colombo to Rangoon ; and
- (iv) whether they have discontinued carrying from Rangoon to Colombo deck passengers other than the servants of cabin passengers ?

(b) If the reply to part (a) (iv) be in the affirmative, will Government be pleased to state :

- (i) from what date and on what grounds to the knowledge of Government such discontinuance was made ;
- (ii) whether the discontinuance is permanent or temporary, and if temporary, when it will cease ;
- (iii) whether they are aware that the discontinuance is causing great inconvenience, trouble and hardship to passengers from Rangoon to Colombo, who cannot afford a cabin passage, as such passengers have now to travel *viâ* Madras, undergoing quarantine at the Mandapam camp ; and
- (iv) whether they are prepared to take steps for the removal of this discrimination at the earliest possible opportunity ?

The Honourable Sir Joseph Bhore : (a) (i). Government are not in a position to express an opinion on the point.

(ii) and (iii). Yes.

(iv) From representations that they have received the Government of India understand that Bibby Line steamers do not now carry deck passengers from Rangoon to Colombo.

(b) (i) to (iv). In January, 1932, it was brought to the notice of the Government of India that Bibby Line steamers sometimes carried deck passengers from Rangoon to Colombo although the Board of Trade's passenger certificates held by them contained no definite provision for the carriage of deck passengers. After a careful examination of the position, the Government of India held that the certificates issued to Bibby Line steamers by the Board of Trade did not authorise the carriage of deck passengers, however few in number. This decision was communicated to the agents of the Company at Rangoon and they were told at the same time that their ships would be permitted to carry deck passengers if application were made for a further survey at Rangoon and the Government Surveyor was satisfied as to the adequacy of the life saving appliances, sanitary arrangements and shelter provided for such passengers. Since then, no deck passengers appear to have been carried in the Company's steamers from Rangoon to Colombo. The remedy, however, lies in the Company's own hands.

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

781. \***Mr. Jagan Nath Aggarwal** : (a) With reference to the starred question No. 416 (a) of the 9th March, 1934, will Government please state whether it is not a fact that prior to the instance of the compulsory retirement of a Deputy Assistant Controller of Military Accounts in 1930, quoted, no such compulsory retirement had been ordered under the Civil Service Regulation Rule 465A ? In regard to the 1930 instance, will Government please state whether it related to the Military Accounts Department, and quote their notification concerned ?

(b) Are not the officers retiring in the Military Accounts Department every year only a few in number and will Government please state why the information asked for is not available ? Are Government now prepared to furnish the same ?

**The Honourable Sir James Grigg** : With your permission, Sir, I propose to deal with questions Nos. 781 to 791 together.

These relate generally to the retirement in 1933 of nine Deputy Assistant Controllers of Military Accounts under Note 1 of Article 465-A of the Civil Service Regulations in accordance with which Government retains an absolute right to retire any officer after he has completed 25 years qualifying service without giving any reasons. The right is not exercised except when it is in the public interest to dispense with the further services of an officer. Seven of these officers were retired on this general ground and after Government had, on a careful examination of their records by my predecessor, decided that they did not reach the standard of efficiency which departmental interests required. The remaining two, whose cases are particularly referred to in these questions, were retired, not only on the general ground I have mentioned, but because their definite omission to discharge certain duties imposed on them as Local Audit Officers had facilitated the perpetration at Rawalpindi of two frauds which involved a total loss to Government of Rs. 74,000. So far as these

particular instances of laxity were concerned, they were given the fullest opportunity to represent their case in accordance with the regulations of the Department. I have satisfied myself in all the cases that the retirement of these officers was in the public interest and was given effect to after the most careful consideration and after full compliance with any formalities prescribed in this connection. I regret that I am not prepared to furnish more detailed information on the many points to which the Honourable Member has referred. It is detrimental to service discipline, and is, therefore, not in the public interest, that there should be public discussion of the details of individual cases of this character.

**Mr. Jagan Nath Aggarwal :** May I invite the attention of the Honourable Member to the fact that two persons, the Superintendent and the Auditor, were put before the ordinary Courts of law in connection with these frauds and were acquitted and have since been re-instated by Government ?

**The Honourable Sir James Grigg :** Presumably that fact was fully taken into account in the investigation of these cases that was undertaken by my predecessor.

**Mr. Jagan Nath Aggarwal :** But may I point out that this acquittal has taken place only recently and could not have been taken into consideration then ?

**The Honourable Sir James Grigg :** I do not think the acquittal of two people who are found to be innocent and are put back presumably after a full review of their case by the authorities concerned alters the fact that contributory negligence on the part of other people should be properly dealt with.

**Mr. Jagan Nath Aggarwal :** If persons who were more directly concerned, like the Superintendent and the Auditor, are exonerated by a Court of law, does it not follow that their superior officers have been unfairly held liable to punishment which had been meted out to them in advance ?

**The Honourable Sir James Grigg :** The cases of these superior officers were fully inquired into by my predecessor and by myself and the fact that their negligence facilitated these frauds has been fully established ; and, therefore, as I said, I think their cases have been dealt with quite equitably and I am not prepared to reopen them.

**Mr. Jagan Nath Aggarwal :** Does it not look a bit unfair that the persons to whom punishment was meted out at a particular time are left to suffer, whereas those who are more directly concerned are exonerated by a Court of law ? Does it not give new material to the Honourable Member to look into these cases ?

**The Honourable Sir James Grigg :** The people who were exonerated by the Court of law were presumably acquitted of charges of fraud, and their cases were presumably reviewed by the authorities concerned and dealt with in accordance with the regulations. But these people were found, on departmental investigation, to have contributed by their negligence to the success of the fraud and they have been dealt with in accordance with the requirements of departmental discipline.

**Mr. K. P. Thampan :** Have these two people who were acquitted by a Court of law been re-instated in service ?

**The Honourable Sir James Grigg :** As a matter of fact, I was not aware of the re-instatement of these two people who have been acquitted by a Court of law. But it seems to me, on the face of it, quite irrelevant to the questions asked in regard to other people who were negligent and in regard to whom there was no question of any accusation of fraud.

**Mr. K. P. Thampan :** Will the Honourable Member kindly inquire whether these two people have been actually re-instated ?

**The Honourable Sir James Grigg :** Certainly, Sir, but it does not seem to be in the least relevant that the people were acquitted of fraud. That fact by itself does not acquit other people of negligence, and the negligent have been dealt with.

**Mr. K. P. Thampan :** If these two people who were primarily concerned in the offence have been acquitted in a Court of law, have not the rest, who were departmentally dealt with a cause of action for damages against the Government ?

**The Honourable Sir James Grigg :** I think not. I think there is no connection between the two cases.

**Mr. Jagan Nath Aggarwal :** Were not the Superintendent and the Auditor below the Military Accounts Officers who have been punished ?

**The Honourable Sir James Grigg :** Whether they were or not, the Court of law has decided in their cases. But what is quite indubitable was that the two people who have been punished were negligent, and, therefore, the fraud was not discovered.

**Bhai Parma Nand :** May I know if it is a fact that of these two persons who were thus dismissed for negligence, one had taken leave for some months, and, therefore, it was not possible for him to attend to his duty and detect the fraud ?

**The Honourable Sir James Grigg :** These people have not been dismissed for negligence : they have been retired, one of them on full pension, and the other on a slightly reduced pension.

**Bhai Parma Nand :** My point was this, whether it could be called negligence in case a man had taken leave of absence : would that be negligence on his part ?

**The Honourable Sir James Grigg :** I do not feel called upon to answer that particular question, because, as I said, these officers have had every opportunity to advance any considerations on their own behalf that they felt disposed to make : they have had that opportunity and their case was fully investigated by my predecessor, and he was satisfied, as I am, that they were dealt with properly.

**Bhai Parma Nand :** But is it a fact that they sent representations and no answer was given to them in reply—whether the representation was satisfactory or not ?

**The Honourable Sir James Grigg :** So far as these particular instances of laxity were concerned, they were given the fullest opportunity to represent their case in accordance with the regulations of the Department.

**Dr. Ziauddin Ahmad :** Do I understand that these persons were responsible for negligence of a crime which, according to a Court of law, was never committed ?

**The Honourable Sir James Grigg :** No. The Court of law decided that the fraud was not committed by two particular people : the fraud was indubitably committed and these people contributed to the fraud by their negligence.

**DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.**

†782. **\*Mr. Jagan Nath Aggarwal :** With reference to the starred question No. 417 (b) of the 9th March, 1934, will Government please state whether the question of compulsory retirement of the nine Deputy Assistant Controllers of Military Accounts referred to was placed before the Controllers' Conference for discussion ? If not, why not ?

**DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.**

†783. **\*Mr. Jagan Nath Aggarwal :** (a) With reference to the starred question No. 417 (c) of the 9th March, 1934, will Government please state definitely in how many of the nine cases the Controllers concerned recommended the action taken ? In which cases did the Military Accountant General make the recommendation of his own accord ?

(b) Was the recommendation made by the Controller of Military Accounts with reference to the letter to this effect from the Military Accountant General himself ?

(c) Will Government please place on the table a copy of the letter that the Military Accountant General wrote to the Controllers as an initiation of the subject of compulsory retirement and state whether he himself suggested names ?

**DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.**

†784. **\*Mr. Jagan Nath Aggarwal :** With reference to the answer to starred question No. 417 (d) of the 9th March, 1934, will Government please state why the nine Deputy Assistant Controllers of Military Accounts could not be warned beforehand to either retire voluntarily under the Retrenchment Rules (communicated to all officers for consideration during 1932) or else that they would be compulsorily retired under Article 465-A, Civil Service Regulations ?

**INTERPRETATION OF ARTICLE 465-A OF THE CIVIL SERVICE REGULATIONS.**

†785. **\*Mr. Jagan Nath Aggarwal :** Will Government please lay on the table a copy of the interpretation of Article 465-A, Civil Service Regulations, as given by the Finance Department in November, 1933 ?

**DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.**

†786. **\*Mr. Jagan Nath Aggarwal :** (a) With reference to the answer to starred questions Nos. 418 and 421 of the 9th March, 1934, regarding the retrenchment of nine Deputy Assistant Controllers of Military Accounts in which it was stated that regular and 'very full' enquiries have been made in accordance with rules in the case of officers Nos. 8 and 9, will Government please state exactly :

(i) what those enquiries were and which are the rules referred to :

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†For answer to this question, see answer to question No. 781.

- (ii) who were the officials entrusted with the investigation ;
  - (iii) whether the retrenched officers were informed of the formation of the investigating body ;
  - (iv) whether they were called upon to appear before this body to defend their cases ; and
  - (v) whether they were given full opportunity, facility and material to enable them to tender their defence ?
- (b) Will Government please explain fully the investigation made ?
- (c) Are Government now prepared to furnish complete answers to all points raised in the starred question 418 of the 9th March, 1934 ?

DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†787. \*Mr. Jagan Nath Aggarwal : (a) With reference to the answer to starred question No. 417 (e) of the 9th March, 1934, regarding the discharge of nine Deputy Assistant Controllers of Military Accounts, will Government please state what considerations have stood in their way of furnishing the information required ?

(b) Are Government aware that the information asked for is in respect of a short period and are Government now prepared to furnish the statement required ?

DUTIES OF THE MILITARY ACCOUNTS DEPARTMENT AND THE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†788. \*Mr. Jagan Nath Aggarwal : In answer to the starred questions 419 (a) and 420-A of the 9th March, 1934, it is stated that the " Duties " of the Military Accounts Department and the Deputy Assistant Controllers are different from those of the Civil Accounts Offices and the Assistant Accounts Offices ? Will Government kindly explain the difference ?

EFFICIENCY OF THE MILITARY ACCOUNTS DEPARTMENT.

†789. \*Mr. Jagan Nath Aggarwal : (a) Is it not a fact that the Auditor General's remarks as to the general efficiency or otherwise of audit in a Department are not necessarily stated in the yearly Audit reports in *all* cases ? Are Government prepared to obtain from the Auditor General an answer to question No. 419 (b) of the 9th March, 1934 ?

(b) Is it not a fact that the Auditor General has with reference to the report on Appropriation Accounts for 1932-33 recently stated that the efficiency of the Military Accounts Department has improved ?

STANDARD OF AUDIT IN THE MILITARY ACCOUNTS DEPARTMENT.

†790. \*Mr. Jagan Nath Aggarwal : (a) With reference to the answer to starred question No. 419 (e) of the 9th March, 1934, regarding the standard of audit in the Military Accounts Department, will Government please furnish a complete set of Audit Reports of the last ten years ?

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†For answer to this question, see answer to question No. 781.



(b) Are Government aware that in these yearly reports the irregularities noticed by the Military Accounts Department and by the Army Test Audit authorities are not so marked? Will Government therefore please lay on the table the comparative statement already called for?

(c) With reference to the answer to starred question No. 419 (e) and (f) of the 9th March, 1934, will Government please place on the table the circular issued on the particular point, referred to by me in my original question some considerable time after the Northern Command order of the 23rd August, 1929, and state whether it is not a fact that the Military Accountant General, when Controller of Military Accounts at Rawalpindi, had given very strict orders that the issue of the 'written' objection statements by the Local Audit Staff should be cut down to the lowest limit possible, and serious irregularities were detected *subsequent* to his transfer from Rawalpindi?

#### DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.

†791. **\*Mr. Jagan Nath Aggarwal :** With reference to the answer to starred question No. 420 (c) and (d) of the 9th March, 1934, will Government please state whether it is not a fact that Sir B. N. Mitra, when Financial Adviser, Military Finance, kept himself personally in touch with the Deputy Assistant Controllers, although the pressure of work in his time was even more and further that cases were thrashed out threadbare unlike the present system when the Military Accountant General's disposals of personal cases are simply sent to the Financial Adviser direct for signature?

(b) Will Government seriously consider the necessity of having the cases of the nine officers retired during the absence of permanent Financial Adviser on leave, reviewed with a view to recalling them to duty, if possible, or awarding them compensation for premature retirement?

#### INTRODUCTION OF GROUP SYSTEM IN THE MILITARY ACCOUNTS DEPARTMENT.

792. **\*Mr. Jagan Nath Aggarwal :** (a) Will Government please explain the reasons for the introduction in 1929 of the Group System in the Military Accounts Department?

**The Honourable Sir James Grigg :** The "Group System" in the Military Accounts Department was introduced on the amalgamation of certain Military Accounts offices. It aimed at decentralising work in the larger offices that were formed as a result of the amalgamation of offices. The functions of Group Officers are analogous to those of the old District Controllers of Military Accounts.

#### INTRODUCTION OF MECHANICAL COMPILATION SYSTEM IN THE MILITARY ACCOUNTS DEPARTMENT.

793. **\*Mr. Jagan Nath Aggarwal :** (a) Will Government please explain in brief the advantages gained and the savings made by the mechanical compilation system introduced in the Military Accounts Department?

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†For answer to this question, see answer to question No. 781.

(b) Was this system previously tried in the Railway Accounts Service but given up as it did not prove to be advantageous ?

(c) Are Government aware that clerks and superintendents have to work long extra hours to avoid mistakes for which they are heavily punished for each mistake ?

(d) What is the number and names of the machines used and their value ?

(e) What is the amount of monthly hire paid for each machine and why have the machines not been bought by Government ?

**The Honourable Sir James Grigg :**

(a) The advantages gained are in brief :

1. *Speed*.—The all-India compilation of accounts for each month can be produced about a month earlier.
2. *Accuracy*.—Posting and arithmetical errors are almost eliminated.
3. *Flexibility*.—The superiority of the Hollerith to the manual system, from the point of view of flexibility, is achieved by reason of the fact that the Hollerith card and Hollerith machines are so designed as to allow of a vast amount of information being recorded in the card and only just as much of it as is required being tabulated on the machine as and when necessary.
4. *Economy*.—It is anticipated that it will be possible eventually to effect a saving of at least Rs. 1,17,000 per annum by a replacement of the manual compilation by the Mechanical one.

(b) No. The machines are still in use in the Railway Accounts.

(c) No.

(d) Two 45 column Tabulators. } Hollerith Mechanical  
Two 45 column Horizontal sorters. } Accounting Machines.

As the machines are only hired and not sold by the owning company, their value is not known to Government.

(e) The hire for the Tabulators and Sorters is Rs. 1,866-10-8 and Rs. 303-3-4 respectively per mensem. The British Tabulating Company to whom these machines belong will not sell the machines.

**Mr. B. Das :** May I inquire, with reference to the answer to part (b) of the question, if it was not a fact that Mr. Scott who experimented with these machines in the railways had to abandon the use of those machines ?

**The Honourable Sir James Grigg :** The answer to part (b) of the question is :

“ No. The machines are still in use in the Railway Accounts.”

**Mr. B. Das :** But may I inquire from the Honourable the Railway Member if it was not a fact that it was proved before the Public Accounts Committee that the machines could not do the work and that they were abandoned ?

**The Honourable Sir Joseph Bhoré :** I shall require notice of that question.

**PROMOTION OF TWO DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.**

**794. \*Mr. Jagan Nath Aggarwal :** (a) Will Government please state what the system of recruitment in the Superior Accounts Service has been in force since 1910 in the Civil and in the Military Accounts Department, the changes made therein from time to time and the reasons for the same ?

(b) If any of the vacancies in the Superior Accounts were set aside for members of the Subordinate Accounts Service, on what basis was the selection for promotion made ?

(c) Will Government please state the special qualifications of the two Deputy Assistant Controllers who have been selected for promotion recently, the duration of audit charges held by them, any important audit work done by them, their standing on the seniority list, their ages and educational qualifications ?

(d) Will Government please lay on the table a statement showing the Deputy Assistant Controllers in service at the time of the promotion of these officers who had been recommended or held eligible for selection for this service ?

**The Honourable Sir James Grigg :** (a) A statement giving the required information is placed on the table. Generally speaking, the changes in the system from time to time have been effected with a view to accelerate the Indianization of the department.

(b) and (c). The Honourable Member's attention is invited to my predecessor's reply to starred question No. 681 of the 11th April, 1934, I regret I am not prepared to supply any further information in this matter. I am satisfied that on the general record and attainments of the two officers, their selection for promotion was justified, and it is detrimental to the interests of service discipline that there should be further public discussion regarding it.

(d) Government are not prepared to disclose information regarding any recommendations they may receive in regard to promotions, or opinions as to eligibility therefor.

*Military Accounts Department.*

*Methods of recruitment.*—Before December, 1909 the Superior Staff of the Military Accounts Department was recruited from British officers of the Indian Army ; but in that year the Secretary of State decided that it should be recruited in future solely by Civilians appointed by him in England. Since then Civilians were appointed by the Secretary of State for India at Home except on one occasion in November, 1912, when a Civilian Gazetted Officer of the Opium Department was, on the reduction of that Department, appointed in India with the approval of the Secretary of State. During the Great War it became difficult to get recruits from Home and in 1915 and 1916 six appointments were made in India with the sanction of the Secretary of State. Of these six appointments, one was filled by an officer of the B. B. and C. I. Railway and the remainder by promotion of five European gazetted officers of the non-superior service of the Department. After this there were no changes until 1920 when with a view to giving opportunities to qualified Indians for employment in the Superior Staff of the Department the Secretary of State decided that future vacancies should be filled in the following proportion :—

- 1/6th by promotion of Deputy Examiners,
- 1/3rd by direct recruitment of Indians, and
- 2/3 by recruitment of Europeans at Home.

In 1921 the Indian Military Requirements Committee presided over by His Excellency Lord Bawlinson recommended that recruitment in England for the superior grades of the Department should be gradually stopped and that the system prevailing in the Civil Accounts Department should be gradually introduced. This recommendation was accepted by the Government of India and in 1922 they proposed that the direct recruitment of Indians to the Superior Service of the Military Accounts Department should in future be made generally from among the successful candidates at the examination held for the recruitment of Indians for the Indian Audit and Accounts Service. The proposal was accepted by the Secretary of State in 1923 and since then vacancies in the Department are being filled by the direct appointment of Indians and by the promotion of members of the Subordinate Service in the proportion of 2 : 1 except one appointment which was filled by the transfer of an Indian Army Officer with the sanction of the Secretary of State.

*The system of recruitment to the Indian Finance Department (now designated as the Indian Audit and Accounts Service) since 1909 and the reasons for the changes effected in 1920.*

The system of recruitment to the Indian Finance Department from 1909--1919 was that one-half of the vacancies in the Department were filled by Indians chiefly by examination in India and the other half by the recruitment of Europeans in England.

In 1920 the system was changed because Indians recruited by competitive examination in India had proved quite satisfactory; and it was therefore decided that ordinarily recruits to this Department, i.e., by recruitment on the regular terms at the bottom of the list, should be carried out in India only. The system, which is still in force, is as follows:—

1. *Sources of recruitment.*—(a) Recruitment is made in India and is restricted to statutory natives of India. Government reserves the right of making special appointments of Europeans for special work as well as for the ordinary duties of the Department.

(b) Three posts of Accountant-General are reserved by statute for members of the Indian Civil Service and four training posts nominally belonging to Class I are filled by members of the same service. It has been decided that the obligation to employ a limited number of I. C. S. Officers in the Indian Audit and Accounts Service should be withdrawn.

2. *Method of recruitment.*—(a) Appointments are generally made on the result of a competitive examination conducted by the Public Service Commission. Rules for nomination of candidates for appearing in the examination and rules relating to the examination itself are made by the Governor General in Council in consultation with the Public Service Commission.

(b) Posts to the extent of one-fifth of the total cadre are filled by promotion of subordinates. The proportion may vary from time to time to suit administrative convenience.

3. The formula to determine the number of appointments to be made from time to time is as follows:

The number of officers to be recruited direct, that is, by examination, is:

$$C + N + \frac{1}{2}(S - C - N)$$

(C being the number of posts newly created since the 1st of August last, less the number of subordinates whose promotion is rendered possible by their creation, N the normal recruitment, and S shortage on the 1st April of the following year.)

4. Special provision for reservation of posts for minority communities.

It has been decided to reserve one-third of the total number of vacancies for members of minority communities.

#### EXTENSION TO THE PRESENT MILITARY ACCOUNTANT GENERAL.

795. \*Mr. Jagan Nath Aggarwal: Has the present Military Accountant General been given an extension? If so, what are the grounds and services for which he has been given this concession?

**The Honourable Sir James Grigg :** (a) Yes.

(b) The extension was given after the fullest consideration, and in the interests of the public service.

**DISCHARGE OF NINE DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS.**

796. **\*Bhai Parma Nand :** (a) In answer to the starred question No. 418 of the 9th March 1934 regarding the discharge of nine Deputy Assistant Controllers of Military Accounts, it was stated that officers Nos. 8 and 9 have been retired because of definite acts of neglect of duty. Will Government please state :

- (i) whether they were held responsible because their auditors working under the supervision of the superintendents failed to detect certain irregularities in the accounts of the two units, Rest Camp, Rawalpindi and Rations Stand, Chaklala, which it is alleged the Local Audit Officers ought to have detected ;
- (ii) whether it is a fact that the original papers connected with these cases were not shown even when demanded by them, so as to enable them to recollect the exact circumstances of the case ;
- (iii) whether the explanations given by these officers were consequently altogether incomplete on the basis of which the verdict of compulsory retirement was passed by Government ;
- (iv) whether these officers were given opportunity to appear before the investigation authority to defend their cases personally if they so desired to do, as required by the Civil Service Classification, Control and Appeal Rules ; if not, why not ;
- (v) whether it is a fact that as required by the above quoted Rules no *proper* charge-sheets were framed against them detailing fully the manner in which it is alleged that these officers neglected their duty, quoting orders, rules and vouchers concerned, etc. ;
- (vi) whether in the *ordinary* letters calling for explanation there was no indication to show the particular Civil Services Rules under which the explanation was called for or the fact that failing satisfactory explanation disciplinary action laid down in these rules would be taken so as to distinguish these disciplinary cases from ordinary cases ;
- (vii) whether it is a fact that the explanations were obtained in great hurry and the time generally allowed in similar serious cases was not given and in one case the explanation was called for by return of post ; and
- (viii) whether the respects in which the explanations were found to be unsatisfactory were pointed out to these officers ; if not, why not ?

(b) Will Government please lay on the table a list of the officers who were on the investigation board with the number of the sittings of the board and the volume of the proceedings written ?

(c) Is it a fact that during the period of these cases there were no rules or instructions existing, by which the Local Audit Officers were held responsible to the extent blamed for the audit work supervised by the superintendents, of which the part disputed by the officer commanding was required to be reviewed by the Local Audit Officer himself as per Controller of Military Account's orders of 1929 or 1930 which should please be placed on the table ?

(d) Similarly, is it not a fact that there were no rules or instructions by which the local audit was held responsible for the audit of quantities purchased with reference to scales and strength of the units and that this was the function of the Stores Audit Section of the Controller of Military Account's office which section has altogether been given scot-free in these cases ?

**The Honourable Sir James Grigg :** Sir, with your permission, I propose to deal with questions Nos. 796 and 797 together.

The attention of the Honourable Member is invited to the reply given to questions Nos. 781 to 791 by the Honourable Mr. Jagan Nath Aggarwal. The reply to part (e) of question No. 797 is in the affirmative. The differentiation in the treatment accorded to the two officers in question, and the other seven officers pensioned as inefficient, was based on the particular laxity shown by the two officers in the fraud cases referred to in the reply to questions Nos. 781 to 791.

**Bhai Parma Nand :** With reference to part (a) (i) of question No. 796, were these local audit officers given an opportunity to come and answer the allegations made against them and be present on the occasion ?

**The Honourable Sir James Grigg :** Yes ; if the Honourable Member will recollect the passage I read out from my original answer, so far as these particular instances of laxity were concerned, they were given the fullest opportunity to represent their case in accordance with the regulations of the Department.

**Bhai Parma Nand :** Were they given the reasons why their representations were not found to be satisfactory ?

**The Honourable Sir James Grigg :** They were given the fullest opportunity of defending themselves.

FRAUDS AT REST CAMP, RAWALPINDI, AND RATIONS STAND, CHAKLALA.

†797. **\*Bhai Parma Nand :** (a) Will Government please state whether there was a conference held at Rawalpindi after the frauds at Rest Camp, Rawalpindi and Rations Stand, Chaklala, had been detected to determine the respective responsibilities of the auditors, superintendents and officers both in the Stores Audit section and on the Local Audit side ? If so, will Government please lay on the table a copy of the findings of this conference ?

(b) Is it not a fact that the Controller of Military Accounts, Northern Command, reported to the Military Accountant General that after careful investigation he had come to the conclusion that the frauds referred to had been committed by manipulating accounts in the units after the audit had been conducted ?

†For answer to this question, see answer to question No. 796.

(c) Is it not a fact that the Controller of Military Accounts, Northern Command, did not recommend the disciplinary action taken against these Local Audit Officers and no disciplinary action has been taken against other officers responsible, including the Controller of Military Accounts and the superintendents concerned? If taken, will Government please define the action taken with the names of persons concerned?

(d) Is it a fact that there were more than a dozen Army officers who were involved in these frauds and that no such disciplinary action has been taken against them? Is it also a fact that every action against them was postponed until after the result of the prosecution in Court had been seen? If so, why was action in the case of these officers delayed and why in the case of Local Audit Officers, was so immediate and drastic an action taken by Government?

(e) Is it also a fact that the Local Audit Officers referred to were not only punished by premature retirement coupled with a reduction in the ordinary pension admissible in one case but they have been deprived of the full leave due to them which has been given to other seven officers pensioned as inefficient?

(f) Is it not a fact that no reduction in pension is required to be made if the service of the officer is *on the whole* satisfactory and full qualifying amount of service has been put in? Will Government please lay on the table a list of officers of the Department whose pensions have similarly been reduced in the past and the cases in which the officers have been retired on account of neglect of duty as in these two cases?

#### MURREE HOSPITAL COAL FRAUD.

798. **\*Bhai Parma Nand :** (a) Is it a fact that in the first fraud case detected after the present Military Accountant General left the Northern Command, known by the "Murree Hospital Coal fraud" the irregular issue was noticed by the Local Audit Officer but the point was dropped by the Group officer in the Controller of Military Account's office who was an European and who had been selected for the Superior Accounts Service? Why was no disciplinary action taken against this European officer?

(b) Is it not a fact that the High Court passed very adverse remarks against the Army officers in this case holding them to be chiefly responsible for the fraud, but no disciplinary action has been taken against Army officers concerned beyond expression of "severe displeasure" of His Excellency the Commander-in-Chief? Was such displeasure even not recorded with the officer's documents in one case?

(c) Will Government please state why distinctions have been made between officers of the Army and the Audit Department, i.e., the former have been let off with practically no punishment while the Audit officers, Nos. 8 and 9 have been severely punished for "neglect of duty"?

**The Honourable Sir James Grigg :** (a) Yes. No fault could be found with the officer referred to as the objection was dropped on receipt of an explanation which appeared, on the face of it, to be satisfactory from the administrative officer concerned.

(b) and (c). The High Court commented adversely on the action of one Army Officer concerned in the Murree Fraud Case. The severe displeasure of His Excellency the Commander-in-Chief was conveyed to this

officer and recorded in his documents. This is a grave measure of disciplinary action, especially in the present case where the officer had otherwise a distinguished and unblemished record as it has to be considered in connection with the officer's promotion which it may seriously affect. In regard to the other officer concerned, the High Court made no comment. Though he was found to have been sufficiently neglectful in his duty, as to have made the fraud easier, he was not held to be responsible for it, and while an expression of His Excellency's severe displeasure was intimated to him, it was not recorded in his documents. The circumstances in which the two audit officers Nos. 8 and 9 were compulsorily retired have been indicated in my reply to questions Nos. 781 to 791 by my Honourable friend, Mr. Jagan Nath Aggarwal. On the reviewing the two cases, Government are satisfied that they disclose no undue disparity of treatment.

#### PREVENTION OF IRREGULARITIES IN THE ARMY ACCOUNTS.

799. **\*Bhai Parma Nand :** Is it not a fact that the Army Test Audit authorities working under the Auditor General have complained in connection with the Report on the Appropriation Accounts for 1932-33 that the Army officers are not infrequently blind to their own initial responsibilities and that these officers have pleaded that they had been labouring under a wrong impression that the Audit authorities alone were responsible for "prevention of irregularities"?

**The Honourable Sir James Grigg :** The Honourable Member presumably refers to paragraph 11 of the Report of the Director of Army Audit on the Appropriation Accounts for 1932-33. His attention is invited to the observations on this subject of the Military Accounts Committee contained in Annexure "A" to the Report of the Public Accounts Committee, which I am presenting to the House in a few minutes time.

#### RAILWAY FREIGHT AGREEMENT BETWEEN THE TATA IRON AND STEEL COMPANY AND THE BENGAL NAGPUR RAILWAY.

800. **\*Mr. G. Morgan :** (a) Is it a fact that there was a Railway freight agreement between the Tata Iron and Steel Company and the Bengal Nagpur Railway which terminated on the 30th June, 1933?

(b) Is it a fact that new and increased rates of freight came into force from 1st July, 1933?

(c) Will Government be pleased to lay on the table a statement showing the rates of freight in force during the agreement ending 30th June, 1933?

(d) Will Government be pleased to lay on the table a statement showing the rates of freight now in force under the new agreement?

(e) Is it a fact that rebates on the current rates of freight are given to the Tata Iron and Steel Company by the Bengal-Nagpur Railway? If so, are Government in a position to state the amount of rebate given?

(f) Is it a fact that the extra amount of freight now payable by the Tata Iron and Steel Company since 1st July, 1933 (*vide* Tariff Board's Report on the Iron and Steel Industry, page 70, Note at foot after paragraph 122) less rebate, if any, will bring the net rates into conformity with rates in force on other commodities?



**Mr. P. R. Rau :** (a) to (e). I would refer the Honourable Member to the reply I gave to Mr. Thampan's question No. 518 on the 13th August, 1934.

(f) There is no definite standard proportion between the freight rates for one commodity and those for another, and a comparison such as that suggested by my Honourable friend is not practicable.

#### PROMOTION TO THE PERMANENT WAY INSPECTORS' POSTS ON THE NORTH WESTERN RAILWAY.

801. **\*Mr. S. G. Jog :** (a) With reference to the reply given to Mr. Piracha's question No. 354, will Government state why preferential treatment is given to the outsiders for the promotion to the P. W. Is. posts on the North Western Railway when the latter are considered also fit for this post ?

(b) Is the training given in T. (10) course in the Walton Training School given to the A. W. Is., grade I not equivalent to that given to the A. P. W. Is. ? If the reply is in the negative, why are A. W. Is., grade I considered fit to hold charge of a section ?

(c) If the reply to part (b) be in the affirmative, why are equal rights refused to A. W. Is., grade I for promotion in pay and grade, etc. ?

**Mr. P. R. Rau :** (a) I regret I have been unable to understand who are the outsiders referred to and what is the preferential treatment alleged.

(b) and (c). The reply to the first part is in the negative. Government are informed that A. W. Is., Grade I, are given such training as is considered sufficient to enable them to qualify to hold charge of a section as a P. W. Inspector. The courses for A. W. Is. and apprentice P. W. Is. are different as the former who are practical men with long experience are required to undergo an examination to qualify for promotion to higher posts and the latter are under training on recruitment.

#### RECRUITMENT OF PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

802. **\*Mr. S. G. Jog :** (a) How many posts of P. W. Is. were likely to be vacated on the North Western Railway during 1927—1933 ?

(b) How many A. W. Is. who had passed the P. W. Is. Examination were available during that period and how many outsiders were recruited as apprentices for the P. W. Is. posts ?

(c) If sufficient number of A. W. Is., who were qualified P. W. Is., were available, why did the Railway Administration take about 80 apprentices and thus waste public money by giving them training to qualify them as P. W. Is. at Railway expense ? Did Government consider that the former class of men could come out during this period after getting proper training in the Walton Training School as is being done now ?

**Mr. P. Rau :** Government have no information. The appointment of the staff referred to in the question is entirely within the competence of the Agent, North Western Railway, and Government are not pre-

pared to interfere, but I have sent a copy of the question to the Agent, North Western Railway, for his information.

RECRUITMENT OF PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

803. \***Mr. S. G. Jog** : (a) What is the number of A. W. Is., grade I passed P. W. Is. who are available on the list of North Western Railway? If the number is sufficient why are the apprentices allowed to continue at heavy expense to the Railway? Could they not be discharged as per their agreement? Have Government considered that if this class of apprentices is discharged, they can be replaced with the men now qualified in T. (II) which will save huge amount to the Railway now disbursed on these apprentices? Are the latter qualified from any Engineering College?

(b) Why is there a big difference in pay of A. W. I., grade I and grade II? Is it not a fact that the latter class of men have to perform the same duties and hold the same responsibility and have little service and less experience in P. Way in comparison to the former?

(c) Is it a fact that these apprentices were getting training under P. W. Is. grade I at the time of their officiating as P. W. I. and were given special allowance for this purpose? If so, is it not a fact that the same apprentice becomes Incharge of the section after few years and the man under whom he got training is working as his assistant?

(d) Do Government propose to reconsider the present system of recruitment to the posts of P. W. Is. and fix a larger percentage thereof to be filled up from amongst the old Assistant Way Inspectors?

**Mr. P. R. Rau** : These questions are all within the competence of the Agent, North Western Railway, to decide, and I have sent these questions to him for consideration of the suggestion therein.

DEBT LEGISLATION IN THE MADRAS LEGISLATIVE COUNCIL.

804. \***Mr. J. Ramsay Scott** : (a) Are Government aware that in the Madras Legislative Council on Thursday, August 2, the Honourable the Law Member for Madras during the debate said :

“ Apart from the difficulties of enforcing this provision (Interest Clause) his main objection to it was that the Government of India was intending to treat this as an All-India question and contemplating legislation on this basis ”?

(b) Is there any truth in the statement above made by the Madras Law Member?

(c) Has the “ Debtors Protection Bill ” been withdrawn in the Madras Council in consequence of the above statement by the Law Member?

**The Honourable Sir Nripendra Sircar** : (a) The Government of India have been informed by the Government of Madras that the actual words used by the Madras Law Member were as follows :

“ The Government of India have intimated to us that they are taking up the question which is covered by this clause as an Indian question applicable to all the provinces and that they are contemplating legislation. Therefore we are unable to approve of this clause.”

(b) The Law Member's statement correctly reproduced the substance of an intimation conveyed to the Local Government at a time when the initiation of All-India legislation on the subject was under the active consideration of the Government of India. The position has since been changed as the result of the relevant conclusions reached by the Provincial Economic Conference for a statement of which the Honourable Member is referred to paragraph 5 of the Resolution of the Government of India in the Finance Department No. F.16-1-F.34, dated the 5th May, 1934.

(c) No. In the course of the consideration stage the Council carried an amendment moved by Government for the omission of the relevant clause and the third reading of the Bill was postponed to the next session which commences on the 22nd October.

#### DEBT LEGISLATION IN THE UNITED PROVINCES LEGISLATIVE COUNCIL.

805. **\*Mr. J. Ramsay Scott :** (a) Will Government please state what Bill or Bills have been passed, or will be, before the September Session of the United Provinces Legislative Council relating to "Rural Indebtedness" ?

(b) Are there any Bills before His Excellency the Governor General for consent ?

(c) Are Government prepared to examine *all* such Bills to see that the economic stability of the country is not seriously disturbed ?

**The Honourable Sir Nripendra Sircar :** (a) Unless the Honourable Member classes the Bill enacted as the Agriculturists Loans (United Provinces Amendment) Act, 1934, as a Bill relating to rural indebtedness, no such Bill has been passed by the United Provinces Legislative Council. The Government of India understand that, if previous sanction is granted by the Governor General, the United Provinces Government may decide to proceed with a United Provinces Encumbered Estates Bill, a United Provinces Temporary Regulation of Execution Bill, a Usurious Loans (United Provinces Amendment) Bill and a United Provinces Regulation of Sales Bill at the September session of the Provincial Legislative Council.

(b) If, by consent, the Honourable Member means previous sanction, the answer is in the affirmative.

(c) Government are prepared to, and do, examine all Bills submitted for the previous sanction or for the assent of the Governor General from this and all other relevant points of view.

#### ESTABLISHMENT OF LAND MORTGAGE BANKS.

806. **\*Mr. J. Ramsay Scott :** (a) Will Government please make a statement of their action with regard to Land Mortgage Banks, as promised by the Honourable the Finance Member on August 6, when answering a supplementary question to question No. 377 ?

(b) Will Government please state what progress has been made and outline their plan of action for the near future ?

**The Honourable Sir James Grigg :** Sir, the promise which I gave on the 6th instant, in answer to a supplementary question to question No. 377, referred not to Land Mortgage Banks but to the Rural Credit

Department of the Reserve Bank. The scope and functions of the Agricultural Credit Department must be left to the decision of the authorities of the Bank, but a preliminary enquiry into some aspects of the question is being undertaken by Mr. M. L. Darling, C.I.E., I.C.S., who has been placed on special duty under the Finance Department.

**Dr. Ziauddin Ahmad :** Is the inquiry going to be limited to rural credit or it will be extended to land mortgage bank questions as well ?

**The Honourable Sir James Grigg :** I should have thought that land mortgage banks and rural credit were inextricably bound up together.

#### MARKETING OF FRUITS.

807. **\*Mr. G. Morgan :** (a) Will Government please state whether Mr. Livingstone, the Marketing Expert, is preparing any scheme for the marketing of fruit ?

(b) Are Government aware that the competition of imported fruit is proving a menace to the fruit-growers in India ?

(c) Are Government aware that Railway freights and higher parcel post rates are hampering the indigenous fruit trade ?

(d) Do Government propose to inquire into these matters with a view to helping fruit-growers in India to obtain markets for their produce ?

**Mr. G. S. Bajpai :** (a) Yes.

(b) Government have no figures showing the amount of fruit produced in India, and are, therefore, unable to say how the fruit growers in India have been affected by the import of foreign fruit. Statistics show, however, that the imports of fruit were less in 1933-34 than in the two preceding years.

(c) The rates for fruit carried by passenger trains are half the ordinary rates for parcels traffic. Several of the principal Railways are also quoting special rates substantially below the half parcel rates for the carriage of fruit in wagon loads, and have under consideration proposals for further reductions. As the Honourable Member is probably aware, parcel rates have been increased, since 14th June, 1931, only for parcels exceeding 20 tolas and upto 440 tolas. Government have no reason to believe that these higher rates are hampering the indigenous fruit trade.

(d) This will be one of the matters to be examined by the marketing organisation proposed by the Imperial Council of Agricultural Research.

**Mr. G. Morgan :** Is it a fact that fruit transport from Kulu has to go through the Mandi State ?

**Mr. G. S. Bajpai :** I am afraid I could not say whether fruit coming from Kulu has to go through the Mandi State.

**Dr. Ziauddin Ahmad :** What was the reply to part (a) about the scheme for the marketing of fruit ?

**Mr. G. S. Bajpai :** I said, Sir, that they have already prepared a scheme, but it has to go to the Standing Finance Committee.

**Dr. Ziauddin Ahmad :** Will it be laid on the table, and will it be open to Members to examine it ?

**Mr. G. S. Bajpai :** We will consider that suggestion.

**Mr. Jagan Nath Aggarwal :** Is the Honourable Member aware that the import of foreign fruit has been making considerable progress in this country at the expense of Kulu and other places where fruit is grown in India ?

**Mr. G. S. Bajpai :** Well, Sir, I have just answered that question and said that statistics showed that the value of fruit imported into India during the year 1933-34 was less than in 1931-32 and 1932-33.

**Mr. Jagan Nath Aggarwal :** The imports in 1932-33 were several times more than those of the previous year ? Is that so ?

**Mr. G. S. Bajpai :** The imports in 1932-33 were certainly not higher than in 1930-31.

**APPOINTMENT OF AN INDIAN WOMAN ON THE ADVISORY COMMITTEE OF THE LEAGUE OF NATIONS FOR THE PROTECTION AND WELFARE OF CHILDREN.**

808. **\*Sir Hari Singh Gour :** (a) Is it a fact that three Indian Women's Organisations (the all-India Women's Conference, the Women's Indian Association and the National Council of Women in India) had moved the League of Nations to appoint a woman on the advisory committee for the protection and welfare of children and young people, and that upon their request the League decided to appoint one such woman ?

(b) If the reply to part (a) be in the affirmative, did Government consult any of the all-India Women's Organisations on the choice of a suitable Indian representative ? If not, why not ?

(c) Is it a fact that the all-India Women's Conference, the Women's Indian Association and the National Council of Women in India sent in a panel of names with a request that one of them should be sent to represent them ? If so, what action did Government take in response to this request ?

(d) Is it a fact that the representative chosen by Government was not one of those so recommended and no organisation of the Women in India was even consulted before making the appointment ?

(e) Will Government please state whether the delegate chosen by them was to represent the Government or the women of India ?

**The Honourable Sir Henry Craik :** (a) The position is not quite as stated by the Honourable Member. A delegation from the Indian Women's Organisation which was received last year by the President of the Council of the League of Nations drew his attention to the interest taken by Indian women in the League's social work and their anxiety to take an effective part in it. Subsequently, the League invited the Government of India to appoint a delegate to represent that Government on the Advisory Commission for the Protection and Welfare of Children and Young People, the object of the invitation being to include national groups not represented and to strengthen the representation of extra-European countries. There was no suggestion by the League that the representative of the Government of India should be a woman. The Government of India, however, thought it desirable that they should be represented by a woman.

(b) Does not arise.

(c) The answer to the first part is in the affirmative. As regards the second part, the names submitted were duly taken into consideration in making a choice of a representative.

(d) Yes.

(e) The invitation was to appoint a delegate to represent the Government of India, not the women of India.

**Sir Hari Singh Gour** : What were the special qualifications that the Government of India thought necessary for the representative to the League of Nations ?

**The Honourable Sir Henry Craik** : Does the Honourable Member mean what were the special qualifications of the delegate selected ?

**Sir Hari Singh Gour** : Yes.

**The Honourable Sir Henry Craik** : The delegate selected is the Chairman of the Madras Presidency Maternity and Child Welfare Association. She is also a member of the Syndicate of the University of Madras and a member of her local District Board. She went to London as a delegate to the Round Table Conference in 1930 and 1931, and she was a Member of the Round Table Conference Franchise Committee. She is believed to be deeply interested in the welfare of women and children.

**Sir Hari Singh Gour** : Do I understand that the Government of India considered the names of the persons submitted by the three women's organisations and did not consider any of the members recommended by the organisation as suitable for representation ?

**The Honourable Sir Henry Craik** : The names of the panel recommended by the women's organisations were considered, but the delegate selected was thought to be more suitable than any of the names on the panel.

#### AUDIT OF THE ACCOUNTS OF THE SHAHDARA NOTIFIED AREA COMMITTEE.

809. **\*Mr. Bhuput Sing** : (a) Is it a fact that the Secretary, Notified Area Committee, Delhi, Shahdara, was granted two years' leave ?

(b) Is it also a fact that after a week the President accepted the Secretary's resignation ?

(c) Is it a fact that he has been settled up within two days and the President is satisfied with the accounts and has duly taken over the charge ?

(d) Do Government propose to get the Committee's accounts audited in the interest of the public ?

**Mr. G. S. Bajpai** : Information has been called for and will be laid on the table in due course.

**Mr. Gaya Prasad Singh** : Is it a fact that a European gentleman is going to be appointed as Secretary of this Committee ?

**Mr. G. S. Bajpai** : I have no information, Sir, about that.

## GRIEVANCES OF THE HINDU PUBLIC OF SHAHDARA.

810. \***Mr. Bhuput Singh** : (a) Will Government kindly state if Mr. Waugh, President, Notified Area Committee, Delhi, Shahdara, was asked to resign his post, or he voluntarily submitted his resignation ?

(b) Do Government contemplate reinstating him in his former post after some time ?

(c) Are Government aware that the grievances of the Hindu public of Shahdara have not yet been redressed, as one of their chief demand of returning the stray cows and bulls possessed by Mr. Waugh has not yet been acceded to ?

**The Honourable Sir Henry Craik** : (a) I would refer the Honourable Member to the reply given by me on the 31st July to part (c) of Pandit Satyendra Nath Sen's question No. 311 on the same point.

(b) No.

(c) The stray cattle referred to are ownerless and have done much damage to crops in the villages in the Shahdara locality where they have been wandering about for years past. If they are released, it is certain they will again do considerable damage.

## RECRUITMENT IN RAILWAY ACCOUNTS OFFICES.

811. \***Sardar Sant Singh** : (a) Is it a fact that while heads of offices subordinate to the Auditor General can ordinarily recruit men from the province in which the respective offices are situated, there is no similar rule for Railway accounts offices ?

(b) If the reply to part (a) be in the affirmative, will Government please state :

(i) why the principle underlying the restriction mentioned above, which is considered to be equitable for civil accounts offices, has not been applied to the Railway accounts offices, and

(ii) whether they now propose to lay down that recruitment in Railway accounts offices should be confined to the provinces through which the respective Railways pass ?

**Mr. P. R. Rau** : Government have not hitherto laid down any restrictions on a territorial basis for recruitment to railway service and see no reason to do so.

## RECRUITMENT OF THE CHIEF INSPECTOR OF EXPLOSIVES.

812. \***Mr. Bhuput Singh** : (a) Is it a fact that the post of Chief Inspector of Explosives, has been advertised in England ? If so, what are the reasons therefor ?

(b) Will Government please state the qualifications and experience required for the post of Chief Inspector of Explosives ?

(c) Will Government please state the present number of Inspectors of Explosives and their periods of service ? Were they recruited through the Public Service Commission or through any other selection board ?

(d) Does any of the Inspectors of Explosives possess foreign qualifications in chemistry and training in explosives and petroleum technology ?

(e) Are there no officers in the Explosives Department with the requisite qualifications and experience, from whom a selection for the post of Chief Inspector of Explosives could be made ?

(f) Will Government please state the technical *experience* in explosives and petroleum technology of the *last incumbent* of the post of Chief Inspector of Explosives ?

(g) Are Government satisfied that none of the Inspectors had the experience in explosives and petroleum technology, which were possessed by the last incumbent of the post of Chief Inspector of Explosives, who was recruited from outside the Department ?

(h) Is it a fact that one of the recommendations of the Retrenchment Committee was that "when the present Chief Inspector of Explosives retires by super-annuation in May, 1932, one of the Inspectors should be sent abroad for further training and, if suitable, appointed to the post" ? What action, if any, have Government taken in the matter, or propose to take in the matter in view of the existing vacancy ?

**The Honourable Sir Frank Noyce :** (a), (c) and (g). Yes. The post was advertised in England on the advice of the Public Service Commission as it was considered that no one sufficiently qualified for the post was available in India.

(b) No qualifications are laid down, but Government consider that experience in the manufacture and storage of explosives, chemical training of a specialized kind, and capacity to advise on the form of technical rules relating to explosives and (if possible) to petroleum, and to administer the Explosives Department are necessary. The duties of the post involve a considerable amount of touring and close relations with large commercial interests, and a man of tact and physical energy is required.

(e) Four, two of whom were brought on to the permanent cadre as recently as March last. Their periods of service range from three years and four months to ten years and eight months. Of the four Inspectors, one only was recruited with the assistance of a specially constituted selection committee. I may, however, add that recruitment through the Public Service Commission is now compulsory.

(d) Two possess foreign qualifications in chemistry. Two had training in explosives before entering the Department. All officers in the Department naturally acquire a working knowledge of petroleum. One of them has undergone a practical course of training in England.

(f) The last incumbent of the post of Chief Inspector had four years' experience in the Government Chemist's Laboratory in England, followed by ten months in the Chemical Warfare Department, King's College, London. He was Assistant Works Manager in the Cordite Factory, Aruvankadu, from March 1929 until he joined the Department in September 1932.

(h) The reply to the first part of this question is in the affirmative. Government have not been able to accept this recommendation for the present and have already selected a candidate from outside the Department to fill the vacancy.

**Mr. Gaya Prasad Singh :** With regard to the answer to part (a) of the question, may I know the reasons which were assigned by the



Public Service Commission in recommending that the advertisement should be made in England only and not in this country ?

**The Honourable Sir Frank Noyce :** The reason was that the Public Service Commission was of opinion that no one sufficiently qualified for the post was available in India.

**Mr. Gaya Prasad Singh :** What steps did the Public Service Commission take to find out whether suitable candidates were available in India or not ?

**The Honourable Sir Frank Noyce :** The Public Service Commission reported that they had very great experience of the candidates applying for chemical posts and that, in their view it was no use advertising the appointment in this country as none of those applications showed possessive of the qualifications necessary for this particular appointment.

**Mr. Gaya Prasad Singh :** What harm would have ensued if the advertisement had been made in India, and may I know what special qualifications the members of the Public Service Commission had in the matter of explosives ? (*Some Honourable Members : "Hear, hear."*)

**The Honourable Sir Frank Noyce :** I think that if my Honourable friend calls to mind the personnel of the Public Service Commission, he will realise that the Chairman of that Commission has considerable experience in matters of this kind.

**Sardar Sant Singh :** Did not the Public Service Commission look for one in the detenu camp at Deoli ?

**The Honourable Sir Frank Noyce :** I am sorry I did not catch the Honourable Member's question.

**Mr. S. C. Mitra :** Is it not a fact that he has no knowledge of Chemistry and he is not a Doctor of Science, and that he was merely a Police Officer ?

**The Honourable Sir Frank Noyce :** But he knows a great deal about explosives.

**Mr. S. C. Mitra :** How ? Does the Honourable Member mean, when he says that the Chairman of the Public Service Commission is an expert in chemical explosives, merely from the fact that he was a Police Officer and that he derived all knowledge from police cases and no study of the Chemical Science is necessary at all ?

**The Honourable Sir Frank Noyce :** Obviously, Sir, it would be no use appointing to a post of this character any one who has not got a special knowledge of explosives.

**Mr. S. C. Mitra :** Does the Honourable Member seriously contend that a Police Officer has all information about chemical analysis of explosives, merely because he was a Police Officer ?

**The Honourable Sir Frank Noyce :** No, but I do contend that the Chairman of the Public Service Commission is in a special position to judge the qualifications of candidates.....

**Mr. S. C. Mitra :** On chemistry and explosives ?

**The Honourable Sir Frank Noyce :** No, but in regard to knowledge of explosives. That is the real point. He knows perfectly well the field for selection of candidates with special knowledge of explosives.

**Mr. Vidya Sagar Pandya :** May I enquire whether the advertisement was inserted in any papers in other countries in Europe and in America, or is it the monopoly of England to send such experts to this country ?

**The Honourable Sir Frank Noyce :** As far as I know, the appointment was advertised in England only.

**Mr. K. C. Neogy :** The Honourable Member stated that the Chairman of the Public Service Commission is quite competent to judge of the qualifications of candidates. But did the Public Service Commission have any opportunity to judge of the qualifications of any candidates for this appointment before they gave their opinion ?

**The Honourable Sir Frank Noyce :** I can only repeat that the Public Service Commission reported that in their view it would be mere waste of time to advertise this appointment in India. I have nothing to add to that.

**Mr. K. C. Neogy :** That is to say, they went upon their general information about people in India who might be supposed to possess such qualifications ? Is that what it comes to ?

**The Honourable Sir Frank Noyce :** Exactly.

**Mr. K. C. Neogy :** May I take it that they had no definite information before them as to whether there were any Indians with suitable qualifications when they gave that opinion ?

**The Honourable Sir Frank Noyce :** I can only say that they had knowledge of the qualifications required for this appointment, and that they had a very wide knowledge of the range of candidates likely to be suitable for it.

**Mr. K. C. Neogy :** Does the Honourable Member know that, of the present Inspectors, at least one already possessed foreign qualifications before he was chosen by the Selection Committee to which the Honourable Member has referred, and that after such selection that officer was sent to England at Government expense to specialise in all matters relating to explosives ?

**The Honourable Sir Frank Noyce :** I need hardly say that the qualifications of the officers at present in the Department were carefully considered before it was decided to obtain an officer from outside the Department.

**Mr. K. C. Neogy :** That is not the answer to my question. I would like my Honourable friend to tell me whether it is not a fact that one of the Inspectors, I believe he is the seniormost Inspector now, who was selected by the Selection Committee—I may tell my Honourable friend that I was a member of that special Selection Committee—was sent to England at Government expense for special training in explosives ?

**The Honourable Sir Frank Noyce :** That, I think, is true except that it is not the case that he is the seniormost Inspector in the Department.

**Mr. K. C. Neogy :** It may be he is the next seniormost. But is it not a fact that the question about the physical capacity of the officer, who was to undertake tours throughout India, also taken into account by the Selection Committee when they made the particular selection ?

**The Honourable Sir Frank Noyce :** I can only say once more that this is a matter which has to be decided by Government after due consideration of the claims of all officers in the Department and that it was so decided. In the opinion of Government, no officer at present in the department was sufficiently well qualified to hold the post of Chief Inspector of Explosives. I may mention for the information of the House that the candidate, who has been appointed Chief Inspector, has been appointed on a five year contract, and it may be that, at the end of that time, an officer in the Department, in the opinion of the Government of the time, may be considered sufficiently well qualified to hold the post. That is a question which can only be decided in course of time.

**Mr. K. C. Neogy :** My last question related to the physical capacity to which my Honourable friend referred as one of the qualifications looked for. I want to know from my Honourable friend as to whether he is in a position to say that that was not one of the qualifications looked for in the candidate who had to be selected by the special Selection Committee.

**The Honourable Sir Frank Noyce :** Physical capacity is only one of the many qualifications that are required.

**Mr. K. C. Neogy :** My Honourable friend referred to that subject.

**The Honourable Sir Frank Noyce :** Naturally I referred to all the qualifications of which physical capacity is only one, and I may say, certainly not the most important, thought it is a very desirable one.

**Mr. S. C. Mitra :** Will the Honourable Member please explain how the Public Service Commission was in a position to know that in the whole of India there are no qualified men to occupy this post without due advertisement here in India ?

**The Honourable Sir Frank Noyce :** I have nothing to add to the answer I have already given on that point. I am obviously not in a position to discuss the qualifications of the Public Service Commission.

**Mr. S. C. Mitra :** The Honourable Member has not understood my question. I should like the Honourable Member to explain to the House how the Public Service Commission was in a position to say that in the whole of India there is not a single qualified man to occupy this post without due advertisement in India or without trying in any way to ascertain whether there are qualified men here.

**Mr. K. C. Neogy :** The Chairman is a policeman. Therefore, he is expected to know.

**The Honourable Sir Frank Noyce :** I have nothing to add to the reply I have already given.

**Sir Cowasji Jehangir :** May I ask one question ? Supposing there is no suitable candidate in India, may I know why the Government have turned down the Retrenchment Committee's recommendation of

sending men for training in this line? If the Government think, and I take it that it is correct, that there is nobody in India, then I should think it was a very good argument for accepting the Retrenchment Committee's recommendation for the next appointment, five years hence.

**The Honourable Sir Frank Noyce :** That is a point which will doubtless be most carefully considered five years hence. It was not worth while sending a candidate home at this juncture for training when it was not intended to appoint him in this vacancy. When the next vacancy occurs, the point raised by my Honourable friend will doubtless receive the most careful consideration.

**Sir Cowasji Jehangir :** In other Departments, when Government send men to England for education, they are not supposed to take the post at the top of the tree. They get their training in England, come back and serve at the bottom or somewhere in the middle, till they are fit to come to the top. So the time is ripe for somebody to go to England for training in this line so as to enable him five years hence to have a chance of getting this post.

**The Honourable Sir Frank Noyce :** That is a point which I shall certainly consider.

**Mr. B. R. Puri :** What is the salary of this post, please?

**The Honourable Sir Frank Noyce :** I may mention for the information of the Honourable Member and of the House that one recommendation of the Retrenchment Committee has at any rate been accepted. The salary of this post up to the present has been Rs. 1,450—50—2,000. The new candidate has been recruited on the reduced scale of pay which will apply to the future incumbents of the post recruited from outside the Department, namely, Rs. 1,300.

**Mr. B. R. Puri :** What are the scientific qualifications which are absolutely essential for a job of this kind?

**The Honourable Sir Frank Noyce :** I mentioned them in my reply to the question.

**Mr. K. C. Neogy :** How many of the present Inspectors of Explosives were sent abroad at Government expense for special training in Chemistry relating to explosives?

**The Honourable Sir Frank Noyce :** I should like to have notice of that question. My Honourable friend has referred to one at least.

**Mr. K. C. Neogy :** Will the Honourable Member look into his papers and tell this House as to whether it is not a fact that the reason why that particular candidate, to whom I referred and in the selection of whom I had some hand, was sent abroad for special training, in spite of the fact that he possessed first class chemical qualifications both in India and in England already, was that when the occasion arose he could take the place of the Chief Inspector of Explosives?

**The Honourable Sir Frank Noyce :** I am not certain about that. In any case, I have already said that the present appointment is being made on a five years' contract basis, and his claims to the post will be duly considered when the time comes. I would mention that he has at present only eight years' service.

**Mr. K. C. Neogy :** Will the physical capacity of this officer improve after five years ?

**The Honourable Sir Frank Noyce :** I do not know why my Honourable friend is harping on physical capacity.

**Mr. K. C. Neogy :** The Honourable Member referred to it. I did not.

**The Honourable Sir Frank Noyce :** I mentioned it as one only of the qualifications required. As I have already stated, I do not regard it as the most important qualification. Obviously scientific knowledge and ability to administer the Department are of even greater importance.

#### IMPORTS OF STANDARD CUT-PIECES FROM JAPAN.

813. **\*Lala Rameshwar Prasad Bagla :** (a) Will Government please state if they have received any representation as to excessive imports of standard cut-pieces from Japan ? If so, from whom ?

(b) Will Government be also pleased to state the total yardage of standard cut-pieces so far imported from Japan ?

(c) Do Government propose to take steps to restrict the excessive imports of standard cut-pieces from Japan ?

**The Honourable Sir Joseph Bhore :** (a) and (c). The Honourable Member is referred to my reply to question No. 413, by Mr. B. Das on the subject.

(b) Presumably by standard cut-pieces the Honourable Member means *bona fide* remnants not exceeding four yards in length as defined in the Indian Tariff (Textile Protection) Amendment Act, 1934. Imports of such goods into India from Japan during May and June, 1934, amounted to 4,801,379 yards. Imports of cut-pieces of four yards and below were not recorded separately prior to May, 1934.

#### INDIANS EMPLOYED AS POLITICAL AGENTS OR RESIDENTS OF INDIAN STATES.

814. **\*Lala Rameshwar Prasad Bagla :** Will Government be pleased to state the number of Indians employed during each of the previous five years, separately, as Political Agents or Residents of Indian States within their own jurisdiction ?

**Mr. H. A. F. Metcalfe :** No Indian officer has been appointed as Political Agent or Resident in Indian States during the last five years. So far there has been no officer in the Political Department of requisite seniority and experience, except one who has been employed as Administrator, Nabha, since 1932.

#### DISPOSAL OF LAND ATTACHED TO THE PUSA AGRICULTURAL INSTITUTE.

815. **\*Mr. Gaya Prasad Singh :** (a) Is it a fact that the Pusa Estate comprised of Khas-Mahal lands of the Government of Bengal, Bihar and Orissa before partition, and the Estate was, under their instructions, transferred to the Inspector General of Agriculture in India in 1902-03, by the District Magistrate and Collector of Durbhanga, for the establishment of the Pusa Agricultural Institute ?

(b) Will Government kindly lay on the table a copy of this deed of transfer, or any other instrument, by virtue of which they claim ownership over the lands ?

(c) Is it a fact that the lands comprising the Puse Estate was transferred to the Government of India by the then Local Government of Bengal, Bihar and Orissa, on certain conditions ? If so, what are those conditions ?

(d) Is it a fact that the then Government of Bengal, Bihar and Orissa, paid an annual subsidy for the upkeep of the Institute of Pusa for a number of years ? If so, what was the total amount subsidised ?

(e) In the event of the Institute being transferred from Pusa, do Government propose to restore the lands to the original donor ?

(f) Is it a fact that the Government of India propose to sell the Estate to private individuals ? Can they produce the instrument or deed to support their claim ?

**Mr. G. S. Bajpai :** (a) The Pusa Estate consists of about 1,617 acres, of which roughly 1,340 acres are held under a permanent lease and were transferred by the Government of Bengal in 1903, and 277 acres were acquired by the Government of India under the Land Acquisition Act.

(b) There is no deed of transfer.

(c) No.

(d) An annual subsidy of Rs. 50,000 was promised by the Government of Bengal but never paid.

(e) and (f). The lands will be disposed of in accordance with the rules regulating the transfer of State lands set out in the Finance Department Resolution No. D.13428-A., dated the 10th December, 1925, and letter No. D.13009-A., dated the 28th October, 1929, copies of which have been placed in the Library of the House.

**Mr. B. Das :** With reference to the reply to part (f), in the eventuality of the transfer of the Pusa Institute to Delhi, will not the Government of India consider the transfer of part of the farm and the Research Institute to the Government of Bihar and Orissa ?

**Mr. G. S. Bajpai :** The Government of India have already asked the Government of Bihar and Orissa to submit suggestions as regards the disposal of land in the event of transfer.

**Mr. Gaya Prasad Singh :** Will Government consider the desirability of at least retaining some section of the Agricultural Institute at Pusa, such as botanical or horticulture or whatever it may be, even if the transfer of the other sections of the Institute may be eventually decided upon ?

**Mr. G. S. Bajpai :** I am answering that point in a separate question later on.

**Mr. B. Das :** In case the Government of Bihar and Orissa ask the Government of India to transfer to them a portion of the farm and Research Institute, will the Government of India make a present of it to the Government of Bihar and Orissa, or will they ask for payment ?

**Mr. G. S. Bajpai :** I am afraid I cannot anticipate what will be the terms upon which the Government of India will be prepared to give the lands or any part thereof to the Government of Bihar.

**Mr. B. Das :** Is it not fair that stricken Bihar should get it as a present from the Government of India ?

**Mr. G. S. Bajpai :** It might be all right from the point of view of the Government of Bihar, but the tax-payers in the rest of India have also got to be considered.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

816. **\*Mr. Gaya Prasad Singh :** (a) With reference to the following opinion of the Royal Commission of Agriculture, regarding the Pusa Institute, will Government kindly lay on the table, the opinions of the Directors of Agriculture of Provinces, who have supported the proposed transfer of the Institute from Pusa to Delhi :

“ The climate is good, and the soil fertile, and well-suited to growing most of the important Indian crops. A District chosen by man with a good eye for country, such as the early Dutch and English planters, is not lightly to be abandoned ” ?

(b) Do Government propose to consider the scheme of retaining the Institute at Pusa, and establishing agricultural sub-stations at suitable centres in the country, as recommended by the Royal Commission of Agriculture ? If not, why not ?

(c) Have Government given a chance to the Public Works Department of the Government of Bihar and Orissa to examine the extent of damage done to the buildings at Pusa by the earthquake and the cost of repairs ? If so, with what result ?

**Mr. G. S. Bajpai :** (a) The Directors of Agriculture discussed the question with the Vice-Chairman of the Imperial Council of Agricultural Research who conveyed their views to Government. The discussion was not recorded in writing.

(b) The Honourable Member is already aware that Government propose to remove the main Institute from Pusa. The question whether a Botanical sub-station should be retained there is under consideration.

(c) Government were informed that, owing to the extensive damage in North Bihar the Public Works Department officers of the Local Government could not conveniently be spared to examine the damage done at Pusa for some time. The task was, therefore, entrusted to the Central Public Works Department.

**Mr. Gaya Prasad Singh :** May I know if the Government of Bihar and Orissa informed the Government of India that the Public Works Department officers of the Local Government were not in a position to examine the damage done to this Institute by the earthquake ?

**Mr. G. S. Bajpai :** I am informed that at the time when the Government of India first wished to have the damage at Pusa assessed, the Public Works Department of Bihar and Orissa, through the Chief Engineer presumably, informed the Government of India in the Central Public Works Department that it would be more convenient to them if somebody were sent down from Delhi.

**Maulvi Muhammad Shafee Daoodi :** So I take it that there is no authoritative report on the question of the damage done to the building ?

**Mr. G. S. Bajpai :** I do not see how that arises from my answer. There is no doubt a very authoritative report on the extent of the damage.

**Maulvi Muhammad Shafee Daoodi :** And what is that report ?

**Mr. G. S. Bajpai :** The report is an authoritative report.

**Mr. Gaya Prasad Singh :** Are you in a position to place it on the table, or at least to make it available to such Members of the House as desire to see it, if you are unwilling to place it on the table for all to see it ?

**Mr. G. S. Bajpai :** I have no objection whatsoever to making the report of the Public Works Department Chief Engineer available for inspection by any Member of this House who is interested in the question.

**Maulvi Muhammad Shafee Daoodi :** Why has it not been laid on the table up till now ?

**Mr. G. S. Bajpai :** I do not remember a single request so far made in this House that a copy of the report of the Chief Engineer should be laid on the table of the House. My Honourable friend, who is a Member of the Standing Finance Committee, made a request that I should obtain from the Engineer a statement of the damage done to the building. I undertook to supply that information, and my Honourable friend may rest assured that he will get it.

**Mr. K. P. Thampan :** May I know whether Government has considered the desirability of shifting this Institute to Coimbatore ?

**Mr. G. S. Bajpai :** Sir, if Government had considered the wishes of Members from all parts of India, then there would not be one institute but the *disjecta membra* of it scattered all over India.

**Mr. Gaya Prasad Singh :** In view of the fact that Coimbatore is situated at one extremity of the Indian Peninsula, do Government propose to bring that institution also to a site near Delhi ? (Laughter.)

**Mr. G. S. Bajpai :** No, Sir, the reason being that there is an essential difference between fundamental research such as that done at Pusa and field research, which is done by means of field stations, of which Coimbatore is one.

**Mr. K. P. Thampan :** May I ask whether it is not a fact that the principle involved in selecting a site for establishing such an institute is the natural conditions and facilities for carrying on researches and experiments obtained at the site selected rather than the institute being at a central place ? According to the latter consideration, a place somewhere near Nagpur ought to be selected.

**Mr. G. S. Bajpai :** My friend is raising a point which would have been better raised if this Resolution had been discussed on the last occasion. My point is that there is no part of India of which it can be said that it is typical of the agricultural conditions of the sub-continent of India as a whole. One has to make a distinction between an investigation into the soil and climatic conditions, which is done by means of field stations such as those which exist at Coimbatore and Karnal, and fundamental research, for which it is not necessary really to locate such an institute at a place in the geographical centre of India but anywhere that normal climatic conditions are suitable.

**Mr. Gaya Prasad Singh :** Do the Government propose to send the Karnal Institute to Pusa in that event ?



**Mr. G. S. Bajpai :** I have already said, Sir, that what exists at Karnal is a botanical sub-station, and the question, in the event of the institute being moved up to Delhi, of the botanical sub-station at Karnal being amalgamated with the Institute at Delhi and of the existing botanical station at Pusa being continued on the present footing is under consideration.

**TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.**

817. **\*Mr. Gaya Prasad Singh :** (a) Are Government aware that in the area near Delhi, which is going to be acquired for the location of the Agricultural Institute on its transfer from Pusa, the water of the wells (as stated in the petition filed by the villagers in the Court of the Collector, or Deputy Commissioner, Delhi) "is extremely saltish, and unpalatable for taste. Its drinking is not conducive to health, and its use for agricultural purposes is sure to cause disappointment" ?

(b) Has the attention of Government been drawn to the fact that "the soil of the village is not fitted for the purpose for which village lands are being acquired. It is neither fertile nor productive", and "can very well be tested by a scientific examination of the soil" ?

(c) Is it a fact that "the area of the village consists of low lands, which, for the most part of the year, especially during the rainy season, remain under water and are rendered unfit for cultivation", and that the climate is "damp and malarial", and "unsuited to health" ?

(d) Is it a fact that last year land revenue of villages Gheora, and Tikli Kalan had to be wholly and partially remitted, respectively, on account of the sufferings due to heavy flood, and that the Deputy Commissioner of Delhi had to reconnoitre the area on an aeroplane ?

(e) Is it a fact that in the area which is sought to be acquired, "Tikli Kalan is purely a Hindu village. It contains two old and ancient temples", that "the temples have attached to them dohli lands, which according to law and custom is inalienable", and that "the acquisition of these dohli lands would entail injury to the feelings and religious susceptibilities" of the people concerned ?

(f) Have Government made any enquiry into the above allegations ? If so, when, and by whom ? Were the villagers given any opportunity of being present, to state their case ?

(g) Can a copy of the enquiry report be laid on the table ?

(h) Is it a fact that the Secretary Gramrakshni Sabha, Delhi, has recently written to Mr. Burt, Agricultural Expert, stating that the water of the wells is "heavy and saltish"; that the fields that were watered by those wells have become barren, and they are producing nothing but sand"; and inviting Mr. Burt to hold a scientific examination by boring into the soil ?

**Mr. G. S. Bajpai :** (a) Government have not seen the petition referred to by the Honourable Member. They, however, took the necessary precaution of having the water in the area intended for acquisition analysed and have satisfied themselves that the requirement of the Institute in respect of water for irrigation and drinking can be adequately met from the canal and from tube-wells.

(b) and (c). No. On the other hand the climate and soil of the area are good and suitable for an even greater range of crops than Pusa. Its partial flooding, during the recent severe floods, was due to the neglect of the Najafgarh drain and its tributaries. The question of repairing and cleaning these is now under consideration.

(d) Information is being obtained and will be furnished as soon as possible.

(e) So far as Government are aware, one temple is included in the land preliminarily notified for acquisition. Every endeavour will be made to exclude this from the area that may ultimately be acquired.

(f) I would refer the Honourable Member to the answers I have given to parts (a)—(c) and (e). It is the intention of Government that the officers concerned with acquisition should work in close touch with the villagers.

(g) There is no enquiry report.

(h) Yes. I have already stated that water and soil analyses were made before the preliminary notification was issued.

**Mr. Gaya Prasad Singh :** With reference to the answer which the Honourable Member has just now given in part (g) that there was no inquiry made and that the Government have satisfied themselves as regards the nature of the water, and so on, I presume the report must have been submitted to the Government by the officer who held the inquiry. Can that copy of the report be made available to us ?

**Mr. G. S. Bajpai :** Reading the question as a whole, Sir, I thought my Honourable friend was referring to a sort of general inquiry made as regards the various allegations which are said to have been made by the villagers. If he is really referring only to the results of the analysis of soil and water, I shall certainly endeavour to obtain the report and make it available to my Honourable friend.

#### TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

818. **\*Mr. Gaya Prasad Singh :** Will Government kindly lay on the table the scheme prepared by the Director of the Pusa Agricultural Institute, in regard to its transfer to the neighbourhood of Delhi, and referred to by the Honourable Sir Fazl-i-Husain in the Council of State, in the course of the debate on the adjournment motion in this connection ?

**Mr. G. S. Bajpai :** The ' Scheme ' referred to by the Honourable Member is a departmental note which, in accordance with the accepted procedure, must be treated as confidential and cannot, therefore, be laid on the table of the House. The substance of the note has been incorporated in the memorandum laid before the Standing Finance Committee, a copy of which has already been placed in the Library of the House.

**Mr. Gaya Prasad Singh :** May I know—as I understand the Honourable Sir Fazl-i-Husain made a reference to this report in the course of the debate in the Council of State—whether it is permissible for a Member to make a reference to a report which is withheld from the House ?

**Mr. President (The Honourable Sir Shanmukham Chetty) :** Order, order. The Chair cannot allow the Honourable Member to discuss the propriety of what has taken place in another place.

**Mr. Gaya Prasad Singh :** I am merely asking, Sir, whether Government have any objection to laying that report on the table, in view of the fact that the Honourable Member in charge of this Department made a reference to it publicly in the course of the debate in the other House.

**Dr. Ziauddin Ahmad :** On a point of order, Sir. Are we not in order when we are merely asking a question about anything that happened in the Council of State ?

**Several Honourable Members :** Why not ? Why not ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order.

**Mr. G. S. Bajpai :** Sir, I took care to examine the exact words used by the Honourable Sir Fazl-i-Husain in another place before I came to answer this question here this morning. The Honourable Member did not mention any report. He merely said that the scheme for the transfer of the Institute at Pusa to Delhi had been drawn up by Dr. Macrae, the former Director, the present Director and the Agricultural Expert of the Government of India. No mention was made of any report.

**Mr. Gaya Prasad Singh :** That scheme must be contained in a report : will that scheme be made available to us ?

**Mr. G. S. Bajpai :** The proposals of these officers are contained in a departmental note which it is not customary to place on the table and which is in fact treated as confidential. The substance of the recommendations made by these officers has already been incorporated in a memorandum presented to the Standing Finance Committee and a copy of which is available in the Library of the House, and the experts are there available to answer any questions which the Honourable Members of the Standing Finance Committee might care to ask.

**MOTION PASSED BY THE BURMA LEGISLATIVE COUNCIL TO REMOVE ITS PRESIDENT.**

819. **\*Mr. Gaya Prasad Singh :** Has there been any correspondence between the Government of India and the Government of Burma, regarding the motion passed by the Burma Legislative Council to remove the Honourable Sir Oscar de Glanville from the office of the President of the Burma Legislative Council ? If so, can the correspondence be laid on the table ?

**The Honourable Sir Henry Craik :** The answer to the first part is in the negative. The second part does not arise.

**Mr. Gaya Prasad Singh :** Are Government aware that on a similar occasion U Chit Hlang, who was formerly the President of the Burma Legislative Council, at once resigned his appointment ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. It does not concern the Governor General in Council.

**U Ba Maung :** Has not the Governor General in Council got a responsibility in settling the dispute that is going on ? (Laughter.)

**The Honourable Sir Henry Craik :** I think the matter is entirely one for the Local Government.

**PROPOSED TRANSFER OF MR. VIDYA BHUSHAN, A PRISONER DETAINED UNDER REGULATION III, FROM THE DELHI JAIL TO THE ANDAMANS.**

**820. \*Mr. Gaya Prasad Singh :** (a) Is it intended that Mr. Vidya Bhushan, who was interned under Regulation III of 1818, following his discharge from the Delhi conspiracy case, is to be transferred from the Delhi District Jail to the Andamans ? If so, when ?

(b) On what date was he discharged, and when was he arrested under Regulation III of 1818 ?

**The Honourable Sir Henry Craik :** (a) No.

(b) The 4th February, 1933.

**PROPOSED TRANSFER OF MR. VIDYA BHUSHAN, A PRISONER DETAINED UNDER REGULATION III, FROM THE DELHI JAIL TO THE ANDAMANS.**

**821. \*Mr. Bhuput Singh :** Will Government be pleased to state :

(a) if it is a fact that Mr. Vidya Bhushan was arrested in connection with the Delhi conspiracy case and subsequently discharged ;

(b) whether the said Mr. Vidya Bhushan after his discharge was detained under the Regulation III of 1818 ; if so (i) whether in connection with civil disobedience movement or (ii) in connection with the terrorist activities ;

(c) if it is a fact that he is going to be transferred from the Delhi district jail to the Andaman penal settlement ; and

(d) the number of prisoners under Regulation III of 1818, that are transferred to Andaman penal settlement ?

**The Honourable Sir Henry Craik :** (a) and (c). I would refer the Honourable Member to the replies I have just given to Mr. Gaya Prasad Singh's question on the same subject.

(b) He was detained as a State Prisoner because of his terrorist activities.

(d) None.

**RULES GOVERNING THE GRANTS FROM THE ARMY BENEVOLENT FUND.**

**822 \*Maulvi Muhammad Shafee Daoodi :** (a) What are the rules governing the grants from the Indian Army Benevolent Fund ?

(b) Are the grants made quarterly or half-yearly ?

(c) How long does it generally take to issue grants to applicants ?

(d) Are Government aware that delay is caused in actually making the grants ?

(e) Are Government aware that most of the applicants are illiterate widows of deceased Indian Other Ranks ? If so, what facilities are given to such persons to have their claims settled early ?

(f) Will Government please state whether the widow Lalan Bi, wife of the late L/NK, No. 805, Ghulam Muhammad, has been applying for a grant from the Indian Army Benevolent Fund, etc., for more than a year,

*vide* letter No. R./23/1019, dated the 16th August, 1933, from the Commandant, Mountain Artillery Training Centre, Ambala Cantonment, to the President, District Soldiers' Board, Rawalpindi? If so, how long will it take to settle her case?

**Lient.-Colonel A. F. R. Lumby :** (a) The rules governing the grants from the Indian Army Benevolent Fund are contained in Appendix IV to the Report on the working of the Indian Soldiers' Board for the year ending the 31st March, 1933, a copy of which is in the Library of the House.

(b) The grants are made half-yearly.

(c) About three months from the last date fixed for receiving applications by the Indian Soldiers' Board.

(d) Not so far as the Central Board is concerned, but a few cases have come to notice in which delays have occurred because the local civil or military authorities to whom the grants were sent for distribution found difficulty in tracing the individuals to whom the money was to be given.

(e) The answer to the first question is in the affirmative. With regard to the second question, the Honourable Member's attention is invited to rules 3 and 4 of the rules quoted in the answer to part (a).

(f) Government have no information. An enquiry is being made from the District Soldiers' Board, Rawalpindi. The Honourable Member will be informed of the result in due course.

#### MUSLIM ASSISTANT SURGEONS ON THE NORTH WESTERN RAILWAY.

823. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state what steps are being taken for increasing the number of Muslim Assistant Surgeons on the North Western Railway?

**Mr. P. R. Rau :** I would refer the Honourable Member to the reply given to his unstarred question No. 77 on the 20th August, 1934.

#### SERVICES ON DIFFERENT RAILWAY SYSTEMS ON TERRITORIAL BASIS.

824. **\*Mr. M. Maswood Ahmad :** (a) Is it a fact that services on different Railway systems are not restricted on territorial basis?

(b) Do Government propose to inform the Agents and the appointing authorities to consider the claims of all the applicants in the light of the recent Government Resolution, No. F-14/17-B/33 and not to give preference to any candidate on territorial basis?

**Mr. P. R. Rau :** (a) Yes.

(b) I would refer the Honourable Member to the reply I have just given to question No. 811 put by Sardar Sant Singh.

#### APPOINTMENT OF A BIHARI MUSLIM ASSISTANT SURGEON ON THE NORTH WESTERN RAILWAY.

825. **\*Mr. M. Maswood Ahmad :** Will Government be pleased to state whether a Behari Muslim Assistant Surgeon can be appointed on the North Western Railway?

**Mr. P. R. Rau :** There is nothing to prevent such appointment.

## UNSTARRED QUESTIONS AND ANSWERS.

### NON-PAYMENT TO PIECE-HAND EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES FOR WORK ON HOLIDAYS.

96. **Mr. S. G. Jog :** (a) Is it a fact that the piece-hand employees of the Madras Government Press are paid for the gazetted holidays at their respective class rates ?

(b) Is it a fact that the piece-hand employees of the Government of India Presses are not paid for the holidays ?

(c) If the replies to the preceding parts are in the affirmative, will Government please state the reasons why the piece-hand employees of the Government of India Presses are not paid for the gazetted holidays, and do Government propose to reconsider their decision about it ? If not, why not ?

**The Honourable Sir Frank Noyce :** (a) Government have no information.

(b) The attention of the Honourable Member is invited to the reply given by me on the 19th September, 1932, to part (c) of unstarred question No. 50 by Mr. S. C. Mitra.

(c) Does not arise.

### COMPENSATION LEAVE FOR ATTENDANCE ON GAZETTED HOLIDAYS TO CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES.

97. **Mr. S. G. Jog :** (a) Is it a fact that the employees of the Government of India Presses confirmed and appointed in and after 1929 are not granted compensation leave for attendance on gazetted holidays ?

(b) Is it a fact that the employees who are booked to work the whole day on such holidays are paid for only two hours ? If so, why ?

(c) Is it a fact that the concession of casual leave has been withdrawn from the employees confirmed and appointed in and after 1929 ? If so, what are the reasons for this withdrawal ?

**The Honourable Sir Frank Noyce :** (a) Compensation leave for attendance on gazetted holidays which do not fall on Sundays has been abolished with effect from the 1st July, 1928, in the case of all piece-work employees and of those salaried employees who have been appointed on or after the 1st July, 1928.

(b) Piece-work employees, who work on a closed gazetted holiday, receive both their ordinary rates of pay for that day and 25 per cent. extra. Piece-work employees, who work on a non-closed gazetted holiday receive only their pay for that day at ordinary rates. Salaried employees who work on a closed gazetted holiday are paid 25 per cent. of a day's wage for that day in addition to their monthly pay. They receive no extra payment for work done on non-closed gazetted holidays.

(c) Yes. The grant of casual leave to industrial employees is considered administratively inconvenient.

**INCREASE OF PRINTING WORK IN THE GOVERNMENT OF INDIA PRESS,  
NEW DELHI.**

**98. Mr. S. G. Jog :** (a) Is it a fact that in the Government of India Press, New Delhi the printing work has increased considerably ?

(b) Is it a fact that a section has been abolished there ?

(c) Is it a fact that the employees of the above section have been distributed to four other sections ? Is it a fact that due to the increase of men in other sections the Section Holders work has also considerably increased ?

(d) If the replies to the above parts are in the affirmative, do Government propose to reconsider their decision about the abolition of the section ?

**The Honourable Sir Frank Noyce :** (a) The printing work in the Government of India Press, New Delhi, tends to increase as work is diverted to it from the Calcutta Press. At the same time staff is increased, whenever necessary, to cope with the additional work.

(b) The hand composition section has recently been abolished in the interests of efficiency.

(c) The employees in the section in question have been distributed among the other sections, the section holders of which, where necessary, have been given extra assistance to enable them to cope with the increase of the staff under them and the additional work.

(d) No.

**PRINTING OF CERTAIN PUBLICATIONS IN THE GOVERNMENT OF INDIA PRESS,  
NEW DELHI.**

**99. Mr. S. G. Jog :** (a) Is it a fact that the following publications which used to be printed at the Government of India Press, Calcutta have been transferred to New Delhi Press :

1. Army List, 2. Blue Books, 3. Postal Guide, 4. Gazette of India Parts II, IIA, III and——supplementary and other publications, correction lists, etc. ?

(b) Is it a fact that due to the above printing, work at the Delhi Press has increased by more than 50 per cent. ?

(c) If the replies to the above parts are in the affirmative, will Government please state the number of staff that has been increased in the following branches ?

Clerical, Reading Section, Composing, Lino, Mono, Printing Machine, Section Holders, Assistant Section Holders, Binding and Ware House Branches.

**The Honourable Sir Frank Noyce :** (a) Yes.

(b) The work has increased but the percentage of increase cannot be readily estimated.

(c) The increase of staff in the branches is as follows :

Clerical (including Computing) Branch .. .. .	13
Reading Branch .. .. .	9
Composing Branch .. .. .	1
Lino Branch .. .. .	7
Mono Branch .. .. .	3
Machine and Press Branch .. .. .	14
Section Holders .. .. .	<i>Nil</i>
Assistant Section Holders .. .. .	<i>Nil</i>
Binding and Warehouse Branches .. .. .	14

PROVISION OF PROPER MEDICAL FACILITIES FOR THE EMPLOYEES OF THE  
GOVERNMENT OF INDIA PRESS, NEW DELHI.

100. **Mr. S. G. Jog :** (a) Is it a fact that a Sub-Assistant-Surgeon daily attends the Government of India Press, Delhi, in the morning for an hour only ?

(b) Is it a fact that there is no arrangement to attend to the serious cases during the remaining hours of the day or night ?

(c) Are Government aware that last year a daughter of the Binding Jemadar had suddenly a severe attack of fever at about 1 A.M.

(d) Is it a fact that the Press doctor was requested on the telephone from the Manager's bungalow to attend on the patient ?

(e) Is it a fact that according to the Factories Act, the doctor should remain near the Factory all the 24 hours ?

(f) Is it a fact that the Doctor refused to attend on her at that time saying he could not come as there was no conveyance available ?

(g) If the replies to the above parts are in the affirmative, do Government propose to make such arrangements that employees may secure necessary medical aid in emergencies without the least delay ?

**The Honourable Sir Frank Noyce :** (a) No, but I am informed that a Sub-Assistant Surgeon attends for about an hour daily at a dispensary maintained by the New Delhi Municipality in the Press area.

(b) The employees of the Government of India Press, New Delhi, like other Government servants in Delhi, can, in the case of their own illness or that of any members of their family, send for the medical officer of Government, to whose services they are entitled under the rules.

(c), (d) and (f). Government have no information.

(e) No.

(g) Does not arise.

ATTENDANCE OF FACTORY INSPECTORS AT THE GOVERNMENT OF INDIA PRESSES.

101. **Mr. S. G. Jog :** (a) Is it a fact that according to the rules framed by Local Government about the Factories Act, Factory Inspectors should attend the factories at least once a year to enquire about the diffi-



culties and take the ballot in his presence about the working hours of the factories ?

(b) If the reply to part (a) is in the affirmative, will Government please state how many times the Factory Inspectors attended the Presses at Calcutta, Simla, New Delhi and Aligarh during the last three years, and place their reports on the table of the House ?

**The Honourable Sir Frank Noyce :** (a) No.

(b) Does not arise.

#### REPRESENTATION OF MUSLIMS IN THE SERVICES.

102. **Mr. M. Maswood Ahmad :** (a) Are Government aware of the following resolutions passed at a meeting of the Muslim League, Multan, held on the 15th July, 1934 ?

1. That this League welcomes the decision of the Government of India resolution fixing the representation of minority communities, in Central Services. Although fixation of 25 per cent. representation for the Muslim community falls short of the 33.3 per cent. due on legislature basis, yet the community views with equanimity this fixation, as this is a step forward, and takes this opportunity to thank Lord Willingdon's Government in general and Sir Harry Haig in particular, for this courageous action.

2. That Government of India be approached to put this resolution to effect, in the matter of I. C. S. recruitment (where out of 20 Indians accepted this year, only 4 Muslims have been taken), by nominating a few more Muslims, before the present batch of selected candidates, leaves for England in September, 1934, so that the inequality of Muslim representation complained of, is not further exaggerated.

3. That Government of India be requested to detail an officer to watch recruitment in different services, and see that the representation of minorities does not fall short of the quota fixed.

(b) Do Government propose to take any action in connection with the second and third resolutions ?

**The Honourable Sir Henry Craik :** (a) The reply is in the affirmative.

(b) As regards the second Resolution, Muslims have secured five out of the 22 vacancies in the Indian Civil Service filled by Indians in the recruitment year 1933-34 (London Examination of 1933 and Delhi Examination and nominations in 1934), i.e., as nearly 25 per cent. of vacancies as is practicable. Government, therefore, do not propose to take any further action in the matter.

As regards the third Resolution, the Government have already decided to appoint temporarily an additional Deputy Secretary in the Home Department, one of whose main duties will be to frame detailed instructions designed to ensure that the new orders are effectively implemented.

#### STATE PRISONERS DETAINED UNDER REGULATION III OF 1818.

103. **Mr. S. C. Mitra :** (a) Will Government please place a statement on the table of this House regarding the State prisoners under Regulation III of 1818, giving (i) their names, (ii) the date and the period of detention, (iii) classification showing how many of them are detained for acting against (1) "due maintenance of alliances formed by the British Government with foreign powers", (2) "Preservation of tranquillity in

the territories of Indian Princes entitled to protection", (3) "the security of the British Dominion from foreign hostility", and (4) "the security from internal commotion"?

(b) How many of the State prisoners have been released during the last 12 months, and under which category of the classification of (iii) do they come?

**The Honourable Sir Henry Craik :** (a), (i), (ii). I would refer the Honourable Member to the answer given by me to Mr. Sitakanta Mahapatra's question No. 555 on the 14th August, 1934.

(iii) (1)	..	..	..	..	..	..	4
(iii) (2)	..	..	..	..	..	..	2
(iii) (3)	..	..	..	..	..	..	Nil
(iii) (4)	..	..	..	..	..	..	29

(b) Ten. All of them were detained under the fourth category.

#### STRENGTH OF THE OFFICE OF THE MILITARY SECRETARY TO THE VICEROY AND CERTAIN OTHER OFFICES.

104. **Maulvi Badi-uz-Zaman :** What is the total strength of the following offices :

- (i) Military Secretary to the Viceroy ;
- (ii) Comptroller, Viceregal Household ; and
- (iii) Invitation Office ?

**The Honourable Sir Henry Craik :** The total strength of the staff in the Military Secretary's office is 21. Of these, five are in the Comptroller's office and three in the Invitation office.

#### FURNITURE ISSUED TO CERTAIN PERSONNEL OF THE VICEREGAL ESTATE.

105. **Maulvi Badi-uz-Zaman :** Will Government kindly lay on the table a rough statement showing the amount of furniture issued to the following personnel of the Viceregal Estate :

- (i) European clerks,
- (ii) Indian clerks, and
- (iii) Bandsmen ?

Why are the Indian clerks not issued furniture in the same scale as the Europeans ?

**The Honourable Sir Frank Noyce :** No scale of furniture is laid down for the quarters allotted to personnel serving on the Viceregal Estates. Quarters are, so far as possible, furnished to meet the individual needs of each family. No distinction is made in furnishing quarters allotted to Europeans and Indians except in respect of certain items which are special either to Indian or to European houses and are usually supplied at the request of the occupant. All reasonable demands for extra furniture are carefully considered and complied with when possible.

## EARNINGS FROM ILLICIT TRAVELLING ON THE NORTH WESTERN RAILWAY.

106. **Sardar Sant Singh** : Will Government be pleased to lay on the table of this House a statement showing the figures of earnings made during 1931—34 from illicit travelling by the Special Ticket Examiners of the North Western Railway under each of the following heads :

No. of Passangers.	Amount recovered in cash.	On Guards certificate.	Without Guards Certificate.
Without Tickets .. ..			
Over-riding .. ..			
Higher class .. ..			
Halves unbooked .. ..			
Unbooked baggage .. ..			
Wrong route .. ..			
Over-age .. ..			
Animals .. ..			

**Mr. P. R. Rau** : No. The collection of the information required will involve a considerable amount of time and labour not commensurate with the use to which the figures could be put.

## EXPENDITURE ON CONTINGENCIES IN THE CENTRAL PUBLICATION BRANCH.

107. **Mr. D. K. Lahiri Chaudhury** : (a) Will Government state the actual expenditure on account of contingencies during the last financial year in the Central Publication Branch ?

(b) Will Government furnish comparative statistics of expenditure on this account during the last three financial years ?

**The Honourable Sir Frank Noyce** : (a) and (b).

						Rs.
1931-32	..	..	..	..	..	28,851
1932-33	..	..	..	..	..	77,930
1933-34	..	..	..	..	..	54,148 (approximately).

## THE INDIAN INCOME-TAX (AMENDMENT) BILL.

## PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Income tax Act, 1922.

## MESSAGE FROM H. E. THE GOVERNOR GENERAL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) :  
I have received a Message from His Excellency the Governor General :

(The Message was received by the Assembly standing.)

"In pursuance of sub-section (3) of Section 63B of the Government of India Act, I, Freeman, Earl of Willingdon, hereby require the attendance of the Members of the Legislative Assembly in the Assembly Chamber at Simla, at 11 o'clock on Wednesday, the 29th August, 1934.

WILLINGDON,

SIMLA,

*Viceroy and Governor General."*

*The 21st August, 1934.*

## PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**The Honourable Sir James Grigg** (Finance Member) : Sir, I beg to present the report of the Public Accounts Committee on the accounts of 1931-32—Part II—Railways, the report of the Public Accounts Committee on the accounts of 1932-33—Part I—Civil, Military and Posts and Telegraphs and the report of the Public Accounts Committee on the accounts of 1932-33—Part II—Railways.

## Report of the Public Accounts Committee on the Accounts of 1931-32.

### PART II—RAILWAY ACCOUNTS.

#### Position as regards estimating.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end, and the actual results :

				(Lakhs of Rupees.)		
				Budget.	Revised.	Actuals.
(1) Traffic receipts (less refunds)	..	..	..	1,01,00	86,75	86,63
(2) Miscellaneous receipts	..	..	..	1,58	1,30	1,20
(3) Working Expenses	..	..	..	60,43	62,83	62,77
(4) Miscellaneous Expenditure	..	..	..	61	58	55
(5) Surplus Profits	..	..	..	75	83	64
(6) Interest charges	..	..	..	33,57	33,28	33,07
(7) Surplus (+) or deficit (—)	..	..	..	1,22	—9,47	—9,20
(8) Contribution to general revenues	..	..	..	5,36	..	..
(9) Payment to (+) withdrawal from (—) Reserve	..	..	..	—4,14	—4,95	—4,95
(10) Loans from the Depreciation Fund	..	..	..	..	4,52	4,25

2. The budget estimate anticipated a net surplus of Rs. 1,22 lakhs which with a withdrawal of Rs. 4,14 lakhs from the Reserve Fund was to be utilised to meet the contribution of Rs. 5,36 lakhs to general revenues. In framing

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this estimate it had been assumed that the year would show a modest improvement in traffic over the abnormally low figures of the previous year and an allowance was made for increased receipts from alterations of rates and fares already given effect to or under investigation at the time. Far from improving, the traffic showed a considerable decline and the revised estimate pointed to a deficit of Rs. 9.47 lakhs which was to be met by transfer of the whole balance of the Reserve Fund (Rs. 4.95 lakhs) and a loan of Rs. 4.52 lakhs from the Depreciation Fund. The actuals proved to be slightly better than the revised and a loan of Rs. 4.25 lakhs only from the Depreciation Fund was necessary. The large deterioration as compared with the original estimate was mainly due to the continued economic depression, the low level of prices and the decreased spending power of the people. Increasing road motor competition was also probably an important contributory cause. Compared with the revised estimate the actual receipts were Rs. 22 lakhs less and the actual expenditure Rs. 49 lakhs less with the result that the deficit on the working of the railways during the year was less by Rs. 27 lakhs. But for a saving of Rs. 21 lakhs in the interest charges due to the actual rate of interest being slightly lower than that assumed in the revised estimate the net deficit would have been only Rs. 6 lakhs less than what was assumed in the revised estimate.

### Position as regards control of expenditure.

3. The following table compares the final voted grants with the expenditure against those grants :

						(Lakhs of Rupees.)	
			Original grant.	Supplementary grant.	Final grant.	Actual expenditure.	Excess + Saving —
<i>Expenditure charged to Revenue.</i>							
1. Railway Board	..	..	10.50	..	10.50	10.26	—24
2. Inspection	..	..	.90	..	.90	.80	—10
3. Audit	..	..	14.20	..	14.20	13.78	—42
4. Working Expenses, Administration			13,00.00	..	13,00.00	12,99.78	—22
5. Repairs, maintenance and operation.			37,54.00	..	37,54.00	33,94.59	—3,59.41
6. Payment of surplus profits	..		75.00	7.75	82.75	64.19	—18.56
9. Appropriation to Depreciation Fund.			13,00.00	..	13,00.00	13,03.49	+3.49
11. Miscellaneous expenditure	..		10.75	.25	11.00	3.38	—7.62
14. Strategic lines	..	..	1,97.50	..	1,97.50	1,80.13	—17.37
<i>Expenditure charged to Capital and Depreciation and Reserve Funds.</i>							
7. New construction	..	..	2,86.80	..	2,86.80	2,75.87	—10.93
8. Open line works	..	..	8,38.40	..	8,38.40	8,98.93	—4,39.47
10. Appropriation from Depreciation Fund.			8,25.00	4,52.02	12,77.02	12,52.12	—24.90
13. Appropriation from Reserve Fund			4,14.67	80.39	4,95.06	4,95.06	..
15. Strategic lines Capital	..		17.00	..	17.00	—3.23	—20.23

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below :

(Lakhs of Rupees.)					
	Original appro- priation.	Supple- mentary appro- priation.	Final appro- priation.	Actual expendi- ture.	Excess + Saving—.
<i>Expenditure charged to Revenue.</i>					
1. Railway Board .. ..	4.60	—·25	4.35	4.39	+·04
2. Inspection .. ..	3.10	—·11	2.99	2.96	—·03
3. Audit .. ..	5.60	—·25	5.35	5.34	—·01
4. Working Expenses, Administra- tion.	1,00.00	+9.43	1,09.43	1,07.82	—1.61
5. Repairs, Maintenance and Opera- tion.	1.00	+·20	1.20	1.29	+·09
11. Miscellaneous Expenditure ..	10.75	—·32	10.43	9.97	—·46
14. Strategic lines .. ..	6.00	—·72	5.28	5.51	+·23

*Expenditure charged to Capital.*

7. New construction .. ..	2.20	+·61	2.81	2.72	—·09
8. Open line works .. ..	.60	+·70	1.30	1.33	+·03
15. Strategic lines .. ..	..	..	..	.01	+·01
Interest on debt .. ..	32,21.28	—31.09	31,90.19	31,75.50	—14.69
Interest on Capital contributed by Companies.	1,35.92	+1.98	1,37.90	1,31.14	—6.76

5. We give in paragraph 6 below the reason for the excess over voted grant No. 9 which requires the vote of the Legislative Assembly. There was only one excess in the year under report against six and four in 1930-31 and 1929-30 respectively. The excesses over non-voted appropriations numbered five in 1931-32 against four in 1930-31 and five in 1929-30. The percentage of individual excesses, votable and non-votable, varied from .27 per cent. to 7.89 per cent. under heads of expenditure charged to Revenue. The excess under capital expenditure was small.

As regards savings, they varied from .02 per cent. to 118.99 per cent. under individual heads the biggest savings occurring under the revenue grants 2, 5, 6, 11 and 14 and the capital grants 8 and 15. Taking the total railway expenditure both voted and non-voted, there was a saving of 4.24 lakhs or 4.18 per cent. under expenditure charged to revenue and a saving of 4.95 lakh : or 16.96 per cent. under capital expenditure. The position in this respect compares as follows with the last two years :

*Expenditure charged to Revenue.*

(Excluding appropriations to and from the Reserve Fund.)

				(Lakhs of Rupees.)		
Year.				Final grant and appropriation.	Savings.	Percentage of column (3) to column (2).
1				2	3	
1929-30 .. ..	..	..	..	1,01.55	—66	.64
1930-31 .. ..	..	..	..	1,05.11	—2.98	2.83
1931-32 .. ..	..	..	..	1,01.38	—4.24	4.18
<i>Expenditure charged to Capital.</i>						
1929-30 .. ..	..	..	..	45.03	—3.08	6.84
1930-31 .. ..	..	..	..	25.74	—1.14	4.39
1931-32 .. ..	..	..	..	29.18	—4.95	16.96

We agree with the Auditor General that the conditions of the year 1931-32 were such as not to afford a fair test of budgeting on railways, that railway administrations are making real attempts to control expenditure despite the difficulties connected with the present unsuitable system of units of appropriations and that a high standard of efficiency and control cannot be expected until the form of the demands for grants is altered to conform more to the structure of the initial accounts. We shall deal in later paragraphs with the question of the alteration of the form of demands for grants.

### Excess over voted grants.

6. There was only one excess over a voted grant which requires to be regularised by an excess vote of the Legislative Assembly :

					Final grant.	Actual Expenditure.	Excess.
					Rs.	Rs.	Rs.
Demand No. 9—Appropriation to Depreciation							
Fund	..	..	..	..	13,00,00,000	13,03,49,498	3,49,498

The excess was mainly due to the fact that a typographical error in the Revised Estimates of the East Indian Railway involving a sum of Rs. 3 lakhs escaped detection. We recommend that the Assembly should assent to the excess grant which the Governor General in Council will place before them in due course.

### Reappropriations not made in accordance with prescribed Rules.

7. Under Rule 52 (2) (ii) of the Indian Legislative Rules we are required to bring to the notice of the Legislative Assembly every appropriation within a grant which is not in accordance with such rules as may be prescribed by the Finance Department. We give below with our comments the cases brought to our notice by the Director of Railway Audit :

- (i) The Railway Department communicated to the Agent, Burma Railways, a grant of Rs. 57·85 lakhs for expenditure in India and of Rs. 5·80 lakhs for expenditure in England. The Agent sanctioned a reappropriation of Rs. 1·37 lakhs from the English provision to the Indian provision which was beyond his powers. The matter was virtually regularised by the Railway Board in their final appropriation orders.
- (ii) The total appropriations made by the Railway Board under the voted portion of grant 11 aggregated Rs. 11,25,000 against a sum of Rs. 11,00,000 voted by the Assembly. The practice of over-allotment under this grant is not covered by the convention established with the previous Public Accounts Committees and set forth in paragraph 23 of their Report on the accounts of the year 1928-29. The Railway Department explained that this was done in expectation of certain credits accruing on the Eastern

Bengal and East Indian Railways under "Surveys" a sub-head of this grant but that no formal withdrawal of funds was made from those two railways on the ground that originally no allotment had been made to them under this head.

We agree with the Auditor General that none of the above irregularities is important from our point of view.

### Comments on matters outstanding from previous Reports.

8. *Special concessions for military traffic.*—The Financial Commissioner explained that the Railway Department were endeavouring to come to some agreement with the Army Department and that a memorandum would be circulated to the members of the Committee as soon as possible.

9. *Remodelling of the form of demands for grants for railways.*—The main difficulty in the proper control of railway expenditure is that the present form of the demands for grants is entirely different from the structure of the railway accounts. For example, under the present system, the total working expenses of railways are shown under two demands and under each demand there are a large number of sub-heads. These sub-heads do not correspond to the heads under which accounts are kept and consequently the Railway Administrations have to re-arrange all the figures in their accounts in order to enable them to compare expenditure with the grants. This not only involves a lot of unnecessary labour but also makes it very difficult for the Railway Administrations to watch the progress of expenditure against the grants. In order to meet this difficulty the Public Accounts Committee which examined the accounts of 1930-31 recommended that it was imperatively necessary that the arrangement of the working accounts and the sub-divisions of the demands should correspond so that administrative and executive authorities may have no difficulty in carrying out the wishes of the legislature. In accordance with these recommendations the Financial Commissioner has made certain proposals regarding the alteration in the form of demands. We accept these proposals. As regards the division of working expenses of railways into the various demands there are two alternatives (1) to make each railway a separate demand and the various accounts abstracts into sub-heads under the demand or (2) to make each abstract a separate demand and each railway a sub-head under the demands. The Financial Commissioner favours the second alternative subject to a convention being established that a saving under one demand should be considered as a set off against an excess in another. We agree with the Financial Commissioner. We are glad to note that these changes have been given effect to in the demands for grants for 1934-1935.

10. *Allocation of expenditure to capital, Depreciation Fund and to Revenue.*—The Financial Commissioner intimated to us that the matter was still under the consideration of the Government. The Auditor General explained that the problems involved were exceedingly difficult and what he feared was that if they were postponed further, decisions might have to be taken hurriedly in connection with the drafting of the Bill relating to the Statutory Railway Board. He therefore suggested that the matter should be expedited. We endorse the Auditor General's suggestion.



11. *Delay in the apportionment of joint station expenses.*—The Financial Commissioner informed us that the question of devising a simpler system of apportioning joint station expenses had been referred to the Railway Conference Association whose recommendations had been received and that a decision would be reached without avoidable delay. We desire that a memorandum should be placed before the Committee next year explaining the action taken.

### **Comments on matters arising out of the accounts for 1931-32.**

12. *Date of issue of the Financial Commissioner's Review.*—In paragraph 11 of the Report on the accounts for 1930-31, Part II, the Public Accounts Committee expressed the opinion that the Financial Commissioner's Review of the Appropriation Accounts should be in the hands of the Director of Railway Audit before the latter wrote his report in order that he might be able to take into account all the material furnished by the Financial Commissioner and thus minimise duplication in the presentation of results. To meet the desire of the Committee the Financial Commissioner undertook to endeavour to send his Appropriation Accounts with his Review to the Director by the middle of April each year so as to enable the Director to submit his report to the Auditor General by the middle of May. The Financial Commissioner explained to us the difficulties involved in preparing the Review by the middle of April and stated that he would try to give it by the end of May. We recognise the difficulties pointed out by the Financial Commissioner but desire that he should try to have his Review ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts.

13. *Utilisation of unanticipated credits to cover excess expenditure.*—We adhere to the recommendation already made in paragraph 11 of the first part of the Report on the Accounts of 1931-32, *viz.*, that in cases where substantial unanticipated credits are to be utilised to incur fresh expenditure, which would not have been incurred but for such credits, the approval of the Standing Finance Committee should be obtained in the same way as for items of supplementary grants.

14. *Policy of overallotment.*—The Auditor General explained to us that under the convention agreed to by the previous Committees overallotment was allowed only in respect of grants Nos. 4, 5 and 6, but in 1931-32 the Railway Board had extended the convention to other grants. After careful consideration of the explanation given by the Financial Commissioner (*vide* paragraph 12 of the Proceedings) we do not see any reason for agreeing to the extension of the convention to other grants. We recognise, however, that it may be necessary in very exceptional cases to depart from the convention and in such cases the Public Accounts Committee should consider the matter when it reviews the accounts of the year.

15. *New Service.*—The Auditor General has brought to our notice two doubtful cases of new service in the accounts of 1931-32 (Appendix VI), namely, (1) additions and alterations to the locomotive running shed at Bhusawal and (2) installation of wireless sets on railways. On the assumption that the additions and alterations to the locomotive running shed involve merely an

extension of the facilities for carrying out running repairs, it is debatable whether the item should be classified as an item of new service but in view of the amount involved we consider that it should be treated as an item of new service. The second item should be treated as an item of new service.

16. *Utilisation of the Reserve provision for an item of new service.*—In accordance with the recommendation of the Public Accounts Committee in their Report on the accounts of 1928-29 a reserve provision is being included in the railway estimates to meet unforeseen emergencies. The Auditor General raised the question whether the Railway Board could utilise such provision to meet expenditure on an item of new service without obtaining a specific vote from the Assembly as required by the rules. We consider that the existence of this provision does not absolve the Railway Board from obtaining a specific vote from the Assembly as required by the Statutory Rules for expenditure on a new service. In cases of real emergency, however, *i.e.*, where delay in executing a work is likely to affect the public interest seriously the Railway Board could utilise this provision for an item of new service but should bring the matter to the notice of the Assembly as soon as possible. In other cases the Railway Board should obtain the specific vote from the Assembly for every item of new service (possibly by a token vote) even if expenditure could be met from the emergency provision.

17. *Balance Sheets of Railways.*—The Director of Railway Audit in paragraph 115 of his report has offered certain criticisms regarding the present form of the balance sheets and has suggested that in order to get over these difficulties the double account system should be used for preparing these balance sheets, *i.e.*, capital and assets should be omitted from the balance sheets and constituted into a separate capital statement giving greater details of the assets. We understand that this system has been introduced in England to exhibit the expenditure of monies obtained by the creation of fixed liabilities and is applied generally to bodies that have been incorporated by a special Act of Parliament to work public undertakings such as railways. We generally accept the proposals in the Financial Commissioner's Review regarding the introduction of this system but leave the details to be settled by the Director of Railway Audit in consultation with the Financial Commissioner.

The Director of Railway Audit also raised the question whether in view of the difficulties involved in preparing accurate balance sheets and profit and loss accounts of individual railways such accounts should continue to be prepared. We agree with the Auditor General and the Financial Commissioner that profit and loss accounts of individual railways should continue to be prepared as accurately as possible, as the Public Accounts Committee is much interested in the financial results of the working of individual railways and such accounts would afford it some basis for comparing efficiency of work. The preparation of balance sheets of individual railways is not so important but the same treatment may be applied to them.

18. *Delay in the execution of agreements.*—The Director of Railway Audit has brought to our notice a case in which the negotiation of an agreement about certain collieries had been pending for over 20 years. In order to avoid such delays we desire that the Railway Board should consider whether they could.

not obtain an annual report from all the railways showing agreements the conclusion of which was outstanding.

19. We append to our report minutes of the proceedings which we consider should be treated as part of the report. We assume that in accordance with the established practice action will be taken by the Department as necessary on the observations and recommendations contained in these paragraphs.

K. SANJIVA ROW,

(Secretary).

*Dated the 6th August, 1934.*

T. N. RAMAKRISHNA REDDI.

I. ALIKHAN.

R. D. DALAL.

M. C. RAJAH.

J. RAMSAY SCOTT.

S. C. MITRA.

K. P. THAMPAN.

As the Chairman of the Committee which examined the Railway Accounts of 1931-32 has left India it has not been possible to obtain his signature to the Report.

A. A. L. PARSONS,

*Secretary to the Government of India.*

## PROCEEDINGS OF THE COMMITTEE.

Proceedings of the Tenth\* Meeting of the Public Accounts Committee held on Wednesday, the 9th August 1933, at 2-30 P.M.

### PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Kunwer Hajee ISMAEL ALIKHAN.

Mr. S. C. MITRA.

Mr. K. P. THAMPAN.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. RAMSAY SCOTT.

Dr. R. D. DALAL.

} *Members.*

Mr. A. C. BADENOCH, Auditor General.

Mr. J. C. NIXON, Director of Railway Audit.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

} *Were also present.*

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. V. S. SUNDARAM, Director of Finance.

Mr. L. S. DEANE, Controller of Railway Accounts.

} *Witnesses.*

~~None of the first nine meetings were held in connection with the Appropriation Accounts relating to Civil, Military and Posts and Telegraphs.~~

The Committee took up the further consideration of Appendix XIX\* regarding the amendment of the rules relating to the constitution of the Public Accounts Committee. The Committee agreed that if the life of the Assembly was extended beyond the normal period of three years a fresh Committee should be elected.

2. The Committee decided to proceed with the examination of the Railway Appropriation Accounts on the understanding that the question of the coal purchase policy of the Government of India, the Railway Board's summary of the working of Railways during 1932-33 and any other matters which the members might bring forward should be discussed at a meeting to be held later in the year.

3. The Committee then took up the consideration of the items shown in the Quarterly List of Outstandings (Appendix I) and accepted the action taken and the explanation given in regard to items subject to the following remarks :

*Item 2. Special concessions for military traffic.*—The Financial Commissioner explained that the Railway Department were endeavouring to come to some sort of agreement with the Army Department and that a memorandum would be circulated to the members of the Committee as soon as possible.

*Item 4. Financial results of Railway electrification scheme.*—The Committee was informed that a note† was under preparation and would be circulated to the Committee shortly.

*Items 5 and 6.—Remodelling of form of demands for grants for Railways.*—These two items were reserved for consideration at the meeting to be held on the 11th August at 2-30 P.M.

*Item 7. Allocation of expenditure to capital depreciation fund and to revenue.*—The matter was reported to be under the consideration of the Government of India. The Auditor General explained that the problems involved were exceedingly difficult and what Sir Ernest Burdon feared was that if they were postponed further, decisions might have to be taken hurriedly in connection with the drafting of the Bill relating to the Statutory Railway Board. He therefore suggested that the matter should be expedited. The Committee endorsed the Auditor General's suggestion.

*Item 9. Delay in the apportionment of joint station expenses.*—The Financial Commissioner informed the Committee that the question of devising a simpler system of apportioning joint station expenses had been referred to the Railway Conference Association whose recommendations had been received and a decision would be reached without avoidable delay. The Committee desired to have a memorandum placed before it next year stating the action taken.

*Item 10. Earlier submission of monthly accounts.*—The question was reported to be still under consideration‡.

4. *Paragraph 2 of the Auditor General's letter (Appendix II-A)—Date of issue of the Financial Commissioner's Review.*—The Financial Commissioner:

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\* Printed in Part I of Report.

† Since circulated, vide Appendix XII.

‡ Memorandum circulated, vide Appendix IV.

explained the difficulties involved in preparing the Review earlier and stated that he would try to give it before the end of May. The Committee recognised the difficulties pointed out by the Financial Commissioner but desired that the Financial Commissioner should try to have his Review ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts.

5. *Paragraphs 20 and 22 of the Report of the Director of Railway Audit.*—The Committee examined the reasons for the excesses in voted grants and non-voted appropriations and decided to recommend that the excess in the voted grant be voted by the Legislative Assembly and that the excesses in non-voted appropriations be sanctioned by the Government of India.

6. *Paragraph 24 of the Director's Report.*—The Director raised the question whether Annexure II to the Report which gives a list of misclassifications detected during the year should be continued. The Committee desired that it should be continued.

7. The Committee then adjourned till 11 A.M. on Thursday, the 10th August 1933.

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**Proceedings of the Eleventh Meeting of the Public Accounts Committee held on Thursday, the 10th August 1933, at 11 A.M.**

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**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Rao Bahadur M. C. RAJAH.  
Mr. T. N. RAMAKRISHNA REDDI.  
Kunwer Hajee ISMAEL ALIKHAN.  
Mr. S. C. MITRA.  
Mr. K. P. THAMPAN.  
Mr. MUHAMMAD ANWAR-UL-AZIM.  
Mr. RAMSAY SCOTT.  
Dr. R. D. DALAL.

} *Members.*

Mr. A. C. BADENOCH, Auditor General.  
Mr. J. C. NIXON, Director of Railway Audit.  
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

} *Were also present.*

Mr. P. R. RAU, Financial Commissioner, Railways.  
Mr. V. S. SUNDARAM, Director of Finance.  
Mr. L. S. DRANE, Controller of Railway Accounts.

} *Witnesses.*

8. *Paragraph 30 of the Director's Report—Unanticipated Credits.*—After considerable discussion, the Committee decided to adhere to the suggestion already made by them, *viz.*, that in cases, where substantial unanticipated credits were to be utilised to incur fresh expenditure which would not have been incurred but for such credits, the approval of the Standing Finance Committee should be obtained in the same way as for items of supplementary grants.

9. *Paragraphs 31 and 35 of the Director's Report.*—The Financial Commissioner gave the following explanation :

Under the present arrangements the Demand is sub-divided into a large number of sub-heads based on different categories of expenditure, and the provision made for each sub-head is distributed among the individual railways. This final detailed distribution is, owing to the inadequate information available to the Railway Board as to the detailed requirements of each administration, very often imperfect ; it cannot naturally be considered as having any finality and the Agent has to be empowered to make whatever redistribution he feels necessary between these sub-heads. Further he is expected to do whatever he can to ensure by re-appropriation that the total sum allotted to him is utilised to the best advantage and that there are no excesses under any of these sub-heads while there are savings under others. For this reason the Railway Board have also found themselves unable to distribute supplementary grants obtained from the Assembly about the close of the year between the various sub-heads. Their opinion is that for the purposes of their general control it is most important that the additional grant to be placed at the disposal of an administration under each separate Demand should be definitely fixed and that the administrations should be left to distribute these among the various sub-heads as required, because they have in their possession much later information than the Railway Board have as to actual requirements, and, whatever allotments are made by the Railway Board, they not only can but should change them if and as soon as necessary, even though it is immediately after they are informed of these allotments. The Audit Department point out that (a) a grant should be considered as voted according to the distribution in the Pink Books and (b) a supplementary grant should be distributed in the same detail as an original grant. From the strict theory of appropriation audit they may be right, but from the practical standpoint a formal redistribution by the Railway Board according to the Agent's redistribution would be an unnecessary waste of time. A reconciliation of these points of view in relation to supplementary grants will be achieved by making the distribution a division by railways, but this will not settle the question of the original distribution. In the case of supplementary grants if the Railways are taken as sub-heads the Railway Board would be in a position to satisfy constitutional requirement on which emphasis is laid by the Audit Department, by distributing the supplementary grant by sub-heads. At the same time they would not have to face the practical absurdity of making detailed distributions which would be liable to be modified immediately thereafter.

The Auditor General concurred in this view in so far as supplementary grants were affected but said that the decision regarding the original grant depended on how far the Pink Books were

considered as receiving the imprimatur of the legislature. Audit must have some authoritative distribution against which to exercise a check.

It was explained that it would be sufficient if the Agent's redistribution were assumed to have Railway Board authority, the Pink Books being considered merely explanatory memoranda, and the Committee agreed that this course should be followed.

10. *Paragraphs 43 and 44 of the Director's Report—Railway Schools.*—The Financial Commissioner informed the Committee that the matter was receiving attention but that he was unable to say when it would be settled. The Committee desired to have a report next year.

11. *Paragraph 56 of the Director's Report—Postponement of Adjustment for want of funds.*—The Committee was informed that this was not a postponement for want of funds but that when the Agent was asked for sanction to write off Rs. 85,000 on account of obsolete stores he issued instructions to find out whether they could not be utilised elsewhere. As a result of this, the major portion of these stores was utilised elsewhere and the amount that had actually to be written off ultimately was only Rs. 14,000.

12. *Paragraph 73 of the Director's Report—Over-allotment.*—The Auditor General explained to the Committee that under the convention agreed to by the Public Accounts Committee over-allotment was allowed only in respect of grants 4, 5 and 6, but in 1931-32 the Railway Board had extended the convention to other grants. The Financial Commissioner gave the following explanation to the Committee:

“About the end of the year 1931-32 certain orders were issued by the Railway Board authorising certain railways to incur expenditure up to a definite maximum in excess of sums originally allotted to them. The Railway Board were satisfied from the progress of the actual expenditure that the total grant would not be exceeded, and that there would be savings in the same grant on other railways to cover the extra expenditure incurred on the authority of these orders. While it was probable that in the particular railways in question additional funds would be necessary, it was at the same time difficult to say where exactly the savings would occur. Apart from the fact that it was at the time practically too late to ask the Assembly to vote a supplementary grant, it was considered that it would be improper to ask for such a grant when it was fairly certain it would not be required. It might be objected that the course of action taken by the Railway Board practically amounted to allotment of funds in excess of the total granted by the Assembly, or at least to authorisation of expenditure beyond what was permitted by the Assembly. The only other course open to the Railway Board, apart from asking for an additional unnecessary grant, was to take no action on the request of the railway administrations. In my view, this would have been open to serious objection, and would have been tantamount to

the Railway Board abdicating their functions. If railway administrations are expected to obtain the sanction of the Railway Board for additional expenditure when they cannot, by the exercise of all possible economy, keep within their original grant, it is obvious that any such demand must receive careful consideration ; and if the Railway Board are satisfied that a certain amount of additional expenditure is inevitable on a particular railway, but that, taking railways as a whole, no additional expenditure is likely, it seems to me that the only proper and practically correct course for the Railway Board is to authorise whatever additional expenditure they consider necessary, holding themselves responsible to the Assembly if the total is thereby exceeded. Such orders can, if considered necessary, be brought to the notice of the Public Accounts Committee. While the consolidated appropriation account would take no cognizance of such an order, as any formal over-allotment of funds is *ultra vires*, the appropriation account of the individual railway concerned should take note of it, as it is the authority for the railway administration to spend the money. Such an authorization is, however, quite distinct from an additional allotment and will not be treated as affecting the grants ; but against any expenditure in excess of the formal allotments made a note will be recorded showing to what extent the excess was authorized by the Railway Board. In 1931-32, the grants affected and the amounts are as follows :

				Rs.
Grant No. 4 ..	..	..	..	16,28,000
Grant No. 6 ..	..	..	..	1,17,000
Grant No. 10 ..	..	..	..	37,42,000
Grant No. 11 ..	..	..	..	25,000

The last is special, because the Railway Board were aware at the time of issuing the orders of the existence of credits due to the transfer of survey expenditure to capital on the commencement of construction ; but these credits were in railways in which no expenditure was expected and no grants had been allotted ; and partly in deference to what was supposed to be the audit point of view that negative appropriation was *per se* objectionable, the orders did not mention these credits. There was not in this case even a technical over-allotment. ”

The Committee did not see any reasons for agreeing to the extension of the convention to the other grants, but recognised that it might be necessary in very exceptional cases to depart from the convention and that in such cases the Committee would consider the matter when it reviewed the accounts of the year.

13. The Committee then adjourned till 2-30 P.M.



**Proceedings of the Twelfth Meeting of the Public Accounts Committee held on Thursday, the 10th August 1933, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C MITRA.

Mr. K. P. THAMPAN.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. RAMSAY SCOTT.

Dr. R. D. DALAL.

*Members.*

Mr. A. C. BADENOCH, Auditor General.

Mr. J. C. NIXON, Director of Railway Audit.

The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.

*Were also present.*

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. V. S. SUNDARAM, Director of Finance.

Mr. L. S. DEANE, Controller of Railway Accounts.

*Witnesses.*

14. The Committee took up the Auditor General's Memorandum of doubtful cases of 'new service' appearing in the accounts of 1931-32 (Appendix VI). The Auditor General had included in the Memorandum two cases, *viz.* (1) additions and alterations to the locomotive running shed at Bhusawal and (2) installation of wireless sets on railways. After full discussion the Committee considered that, on the assumption that the additions and alterations involved merely an extension of the facilities for carrying out running repairs, it was debatable whether the first item should be classified as an item of 'new service', but in view of the amount involved they decided that it should be treated as an item of 'new service'. As regards the second item also the Committee decided that it should be treated as a 'new service'.

15. In accordance with the recommendations of the Public Accounts Committee in their Report on the accounts of 1928-29, a reserve provision is being included in the Railway estimates to meet unforeseen emergencies. The Auditor General raised the question whether the Railway Board could utilise such provision to meet expenditure on an item of 'new service' without obtaining a specific note from the Assembly as required by the rules. The Committee decided that the existence of this provision did not absolve the Railway Board from obtaining a specific vote from the Assembly as required by the Statutory rules for expenditure on a 'new service'. In cases of real emergency, however, *i.e.*, where delay in executing a work was likely to affect the public interest seriously, the Railway Board could utilise this provision for an item of 'new service' but should bring the matter to the notice of the Assembly as soon as possible. In other cases the Railway Board should obtain a specific vote from the Assembly for every item of 'new service' (possibly by a token vote) even if expenditure could be met from the emergency provision.

16. *Paragraphs 96—98 of the Director's Report:—Defective Rules of Allocation.*—The Financial Commissioner informed the Committee that, as stated

at the previous meeting, the general question was still under consideration but that certain individual points had been settled.

17. *Paragraphs 102 and 103 of the Director's Report—Allocation of expenditure on rolling stock.*—The Committee was informed that the question was under the consideration of the Railway Board. The Committee desired to have a report next year.

18. *Paragraphs 105 and 113 of the Director's Report.*—The Committee desired to discuss these paragraphs with the Director of Mechanical Engineering, Railway Board.

19. *Paragraph 107 of the Director's Report and paragraph 9 of the Auditor General's letter.*—The Auditor General raised the issue of how far any expenditure incurred as a matter of policy but admitted to be unjustified financially should be left at the debit of capital. The Financial Secretary explained that the main question was whether expenditure which was unjustified financially was to be incurred at all. If it had to be incurred the question whether it should be debited to capital or revenue should follow the ordinary rules of classification. An impossible situation would arise if it was held that only expenditure which was later found to be financially remunerative should be debited to capital as a logical sequence of this would be the valuation of the total railway assets according to their earning capacity. The Committee generally agreed with the Financial Secretary.

20. The Committee then adjourned till 11 A.M. on Friday, the 11th August 1933.

#### Proceedings of the Thirteenth Meeting of the Public Accounts Committee held on Friday, the 11th August 1933, at 11 A.M.

##### PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. S. C. MITRA.

Mr. K. P. THAMPAN.

Mr. MUHAMMAD ANWAR-UL-AZIM.

Mr. RAMSAY SCOTT.

Dr. R. D. DALAL.

*Members.*

Mr. A. C. BADENOCH, Auditor General.

Mr. J. C. NIXON, Director of Railway Audit.

*Were also present.*

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. V. S. SUNDARAM, Director of Finance.

Mr. L. S. DEANE, Controller of Railway Accounts.

Mr. J. M. D. WRENCH, Director, Mechanical Engineering,  
and Chief Controller, Standards.

*Witnesses*

21. *Paragraph 105 of the Director's Report.*—The Committee discussed with the Director of Mechanical Engineering, Railway Board, the case relating to the relaying of the Parbatipur Siligari Section with 90 pound rails. When this line was converted from metre gauge to broad gauge in 1926, new 75 pound

rails were used, but within three years the track showed signs of weakness and at places the rails fractured. It had been suggested that the principal reason for the failure of the track, was the introduction of a heavier type of engine which the 75 pound rails could not carry; but the Director of Mechanical Engineering explained to the Committee in detail that this was not the true reason, as in the case of the XB type of engines used on this section the stress on the rail was actually less than in the case of the older type of engines. He stated that the actual causes of deterioration of the track were increase in traffic and the nature of ballast.

22. *Paragraph 113 of the Director's Report.*—Another case which the Committee discussed with Mr. Wrench was the purchase of a large number of YF class engines in 1929 for use on certain branch lines. The Committee was informed that this type of engine was purchased as the railways wanted an engine with a wide fire box so as to use low grade fuels. Though the engines initially proved defective and derailments occurred in some instances, the Railway Board had recently been able to remedy the defects at a small cost and the engines were now reported to be working quite satisfactorily.

23. *Paragraph 116 of the Director's Report and paragraph 10 of the Auditor General's letter—Balance Sheets of Railways.*—The Director of Railway Audit proposed that the double account system should be used for preparing the balance sheets of the railways, i.e., capital and assets should be omitted from the balance sheets and constituted into a separate capital statement giving greater details of the assets. The Committee generally accepted the proposals in the Financial Commissioner's Review but left the details to be settled by the Director of Railway Audit in consultation with the Financial Commissioner.

24. *Paragraphs 117-123 of the Director's Report.*—The Director of Railway Audit also raised the question whether in view of the difficulties involved in preparing accurate balance sheets and profit and loss accounts of individual railway: such accounts should continue to be prepared. The Committee agreed with the Auditor General and the Financial Commissioner that profit and loss accounts of individual railways should continue to be prepared as accurately as practicable as the Committee was much interested in the financial results of the working of individual railways and such accounts would afford them some basis for comparing efficiency of work. The preparation of balance sheets of individual railways was not so important but the same treatment might be applied to them.

25. *Paragraph 128 of the Director's Report and paragraph 11 (a) of the Auditor General's letter—Contracts.*—The Committee was informed that detailed instructions embodying all the important principles had been issued some time ago.

26. *Paragraph 138 of the Director's Report and paragraph 11 (b) of the Auditor General's letter—Recovery of cost of stone supplied to a contractor.*—As the Director of Railway Audit was of opinion that the Legal Adviser would not have advised payment if he had been consulted before the payment was made, the Committee desired that the Railway Board should now consult\* the Legal Adviser as to whether, if he had been consulted at the proper time, he would have been able to advise that the amount was not payable under the contract

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\*Vide Appendix XI since circulated.

and in that case whether a successful attempt could be made to recover it from the contractor. The Committee also desired that, if the Legal Adviser was prepared to give a clear opinion on the case, a description of the facts of the case should be circulated\* to Railway Administrations for guidance.

27. *Paragraphs 169-172 of the Director's Report and paragraph 11 (c) of the Auditor General's letter—Stores balances.*—The Committee was informed that the increase in the percentage of closing balance to issue in 1931-32 was mainly due to the stoppage of a number of works as a result of the economy campaign. The Committee noted with satisfaction that the stores balances had been reduced from 23,67 lakhs in 1921-22 to 11,82 lakhs in 1932-33.

28. *Paragraph 177 of the Director's Report—Periodical revaluation of stores.*—As the Railway Board was not yet in a position to express an opinion on the points raised in this paragraph, the Committee desired that it should be included in the next year's report together with the report of the further action taken in the matter.

29. *Paragraph 233 of the Director's Report and paragraph 11 (d) of the Auditor General's letter—Defalcation by a clerk on the North Western Railway.*—The Financial Commissioner promised to circulate† a memorandum to the members of the Committee before the next meeting.

30. *Paragraph 242 of the Director's Report.*—In this paragraph the Director of Railway Audit has brought to notice a case in which the negotiation of an agreement about certain collieries had been pending for over 20 years. The Committee desired that in order to avoid such delays the Railway Board should consider whether they could not obtain an annual report from all the railways showing agreements the conclusion of which was outstanding.

31. The Committee then adjourned till 2 P. M.

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Proceedings of the Fourteenth Meeting of the Public Accounts Committee held on Friday, the 11th August 1933, at 2 P.M.

PRESENT :

The Hon'ble Mr. A. H. LLOYD, Finance Member, *Chairman.*

MR. T. N. RAMAKRISHNA REDDI.  
Kunwer Hajee ISMAEL ALIKHAN.  
Mr. S. C. MITRA.  
Mr. K. P. THAMPAN.  
Mr. MUHAMMAD ANWAR-UL-AZIM.  
Mr. RAMSAY SCOTT.  
Dr. R. D. DALAL.

} *Members.*

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\* *Vide Appendix XI since circulated.*

† *Vide Appendix X, since circulated.*

Mr. A. C. BADENOCH, Auditor General.	}	Were also present.
Mr. J. C. NIXON, Director of Railway Audit.		
The Hon'ble Mr. J. B. TAYLOR, Financial Secretary.		
Mr. W. M. BRAYSHAY, Chief Commissioner, Railways.	}	Witnesses.
Mr. P. R. RAU, Financial Commissioner, Railways.		
Mr. V. S. SUNDARAM, Director of Finance.		
Mr. L. S. DEANE, Controller of Railway Accounts.		

32. *Paragraph 11 (g) of the Auditor General's letter—Unsatisfactory state of stores accounting on the East Indian Railway.*

*Paragraph 275 (1) of the Director's Report.*—The Director of Railway Audit desired that consideration of this paragraph should be postponed as he wanted to go into greater detail and explain the matter in the next year's report.

33. *Paragraph 275 (2) and 275 (3) of the Director's Report.*—The Committee was informed that steps had been taken to improve matters.

34. *Form of Demands for Grants.*—The Financial Commissioner explained to the Committee that under the present system the total working expenses of railways were shown under two demands and under each demand there were a large number of sub-heads. These sub-heads did not correspond to the heads under which accounts were kept and consequently the railway administrations had to rearrange all the figures in their accounts in order to enable them to compare the expenditure with the grants. This not only involved a lot of unnecessary labour but also made it very difficult for the railway administrations to watch the progress of expenditure against the grant. It was therefore necessary to recast the demands so as to improve the current control of expenditure. He stated that the present system should be considered to have broken down and that a change was necessary but left it to the Committee to decide whether in view of the impending constitutional changes a change in the form of demands should be effected now or should be left over till the new constitution came into force. The Committee decided that the change should be introduced immediately.

35. The Committee generally accepted the proposals of the Financial Commissioner as regards the form of the demands which it was explained had yet to be considered by the Government of India.

36. As regards the division of working expenses of railways into the various demands, there were two alternatives: (1) to make each railway a separate demand and the various accounts abstracts into sub-heads under the demands or (2) to make each abstract a separate demand and each railway a sub-head under the demands. The Financial Commissioner favoured the second alternative subject to a convention being established that a saving under one demand should be considered as a set-off against an excess in another. After considerable discussion the Committee agreed with the Financial Commissioner.

37. The Committee adjourned till 11 A.M. on Saturday, the 12th August 1933.\*

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\* The meeting held on the 12th August did not relate to Railways.

# Report of the Public Accounts Committee on the accounts of 1932-33 other than Railways.

## I. Excess Votes.

1. *General Summary.*—The following table compares the total grants voted by the Legislative Assembly with the total expenditure against those grants :

(In lakhs of rupees.)

	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.
Expenditure charged to revenue ..	27,21	94	28,15	26,25
Expenditure charged to capital ..	1,33	9	1,42	1,24
	28,54	1,03	29,57	27,49
Disbursements of loans and advances ..	13,38	..	13,38	8,41
	41,92	1,03	42,95	35,90

2. The following tables compare the non-voted appropriations sanctioned by the Government of India with the total expenditure against such appropriations :

(In lakhs of rupees.)

	Original grant.	Supplementary grant.	Final grant.	Actual expenditure.
Expenditure charged to revenue ..	80,19	—1,27	78,92	78,73
Expenditure charged to capital ..	17	10	27	31
	80,36	—1,17	79,19	79,04

3. The position regarding total expenditure, voted and non-voted, is as follows :

(In lakhs of rupees.)

	Original grant.	Final grant.	Actual expenditure.
Expenditure charged to revenue .. ..	1,07,40	1,07,07	1,04,98
Expenditure charged to capital .. ..	1,50	1,69	1,55
Total expenditure .. ..	1,08,90	1,08,76	1,06,53
Disbursements of loans and advances .. ..	13,38	13,38	8,41
Total .. ..	1,22,28	1,22,14	1,14,94

4. *Savings*.—There was thus a saving of 7.20 lakhs or 5.9 per cent. in the final grant. The percentage compares as follows with the results of previous years :

	1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
Expenditure charged to Revenue	1.1	.7	.3	3.2	1.9
Expenditure charged to Capital	20.2	12.9	15.9	11.4	8.3
Disbursements of loans and advances.	—3	—3	—20.3	10.8	37.1
Combined percentage	.. 1.4	.9	—7	4.3	5.9

5. The following table compares the percentage of savings under voted grants for expenditure proper (*i.e.*, exclusive of disbursements of loans and advances) with that of savings under non-voted appropriations :

Year.	Voted.	Non-voted.
1928-29 .. .. .	5.7	.2
1929-30 .. .. .	.8	1.1
1930-31 .. .. .	3.9	—2
1931-32 .. .. .	9.6	1.0
1932-33 .. .. .	7.0	.2

6. *Excesses*.—In the following cases the actual expenditure exceeds the voted grants and an excess vote of the Assembly is accordingly required :

Item No.	Number of Grant.	Amount voted by the Assembly.	Actual expenditure.	Excess.
		Rs.	Rs.	Rs.
1	22.—Irrigation, etc.,—charged to Revenue	3,84,000	4,36,133	52,133
2	26.—Interest on Miscellaneous Obligations	49,49,000	50,93,368	1,44,368
3	48.—Survey of India .. ..	15,79,000	16,39,402	60,402
4	63.—Aviation .. ..	9,05,000	9,31,939	26,939
5	67.—Emigration—External .. ..	1,93,000	2,21,675	28,675
6	70.—Indian Stores Department ..	6,61,000	7,44,153	83,153
7	74.—Superannuation Allowances and Pensions.	73,99,000	76,60,394	2,61,394
8	76-B.—Miscellaneous Adjustments between the Central and Provincial Governments.	22,000	22,345	345
9	77.—Refunds .. ..	94,77,000	1,06,77,228	12,00,228
10	82.—Andamans and Nicobar Islands ..	31,49,000	31,50,207	1,207
11	96.—Commuted value of Pensions ..	40,61,000	49,84,730	9,23,730

7. A brief explanation of each excess is given below :

*Item 1.*—The excess was mainly due to the absence of provision for expenditure in the North-West Frontier Province for the first seventeen days of April 1932.

*Item 2.*—The voted charges under this Grant represent mainly payments to the Posts and Telegraphs Department for Savings Bank and Cash Certificate work. The excess was due to an increase in the number of Savings Bank and Cash Certificate transactions beyond that anticipated when the supplementary grant was obtained under this head.

*Item 3.*—The excess was due to smaller recoveries owing to the fall in the demand for mathematical instruments.

*Item 4.*—The excess was mainly due to the late receipt of debits from the Posts and Telegraphs Department on account of wireless facilities.

*Item 5.*—The excess was due to the fact that provision for losses by exchange on advances to the South Africa Agency resulting from the abandonment of the gold standard by England could not be made for want of definite information.

*Item 6.*—The excess was due to smaller recoveries from indenting departments on account of the purchase and inspection of stores owing to the financial depression and downward trend of prices.

*Item 7.*—The excess was mainly due to heavier retirements than anticipated under the retrenchment terms.

*Item 9.*—The excess occurred mainly under customs refunds and is due to the late adjustment of debits on account of the refunds of excise duty on motor spirit and kerosene in Burma.

*Item 11.*—The excess was due to the abnormal increase in the amount of pensions commuted, as the result of a large number of individuals retiring on account of retrenchment coupled with economic pressure affecting pensioners.

8. We recommend that the Assembly assent to the excess grants detailed in paragraph 6 above, which the Governor-General in Council will place before them in due course.

9. Rule 52 (2) of the Indian Legislative Rules requires that we should bring to the notice of the Assembly every reappropriation from one grant to another, every reappropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department and all expenditure which the Finance Department have requested should be brought to the notice of the Assembly. During the year there was only one reappropriation which was not made in accordance with the rules prescribed by the Finance Department. A Collector of Customs sanctioned, under a misapprehension, a reappropriation of Rs. 1,900 from the sub-head "Pay of officers" under Grant No. 16-Customs, which under the rules required the previous approval of the Finance Department.

## II. Important Comments on matters arising out of the accounts for 1932-33.

10. *Accuracy of budgeting control over expenditure, etc.*—From the point of view of accurate estimating and efficient control of expenditure the year 1932-33, like its predecessor, was one of difficulties. A good deal of the savings of the year was due to the fact that in many cases further retrenchment was effected after the budget estimates were framed. In some cases, such as pensions and commuted value of pensions, there were particular difficulties in making accurate estimates even during the course of the year. Taking all these



factors into consideration, the results of the year do not seem to be as a whole unsatisfactory. We consider it, however, desirable that, as suggested by the Accountant General, particular attention of the various Departments should be drawn to the detailed results of the 1932-33 Appropriation Accounts in connection with the current control of expenditure.

In the Posts and Telegraphs Department, although we recognise that some progress has been made, there is still room for considerable improvement. We were furnished with a memorandum (Annexure B to the Proceedings of the third meeting) on the subject which explains the various steps taken, or under contemplation, to remedy the defects noticed, and to effect improvements in the procedure concerning budgeting and control of expenditure. We are glad to hear from the Auditor General that he has definitely gained the impression that the Posts and Telegraphs authorities are now going much more deeply and in much more detail into these matters, and that he is satisfied with what they are doing and what they propose to do in future.

11. *Financial results of irrigation systems, residential buildings, etc.*—We went through the very interesting and lucid review furnished by the Accountant General, Central Revenues, of the financial results of irrigation systems, the administration of residential buildings, the financial prospects of the Vizagapatam Harbour Project, and the analysis of loans and advances bearing interest. The last item has been included in the report for the first time this year, and we hope that its value will be still further enhanced when it is supplemented by certain further important information regarding the various loans and advances as promised by the Auditor General.

12. *Trading results of Government of India commercial concerns.*—The Accountant General, Central Revenues, has in paragraphs 20 to 29 of the Commercial Appendix given a comprehensive review of the financial results of all the Central Government commercial concerns and indicated in a clear form and comparatively brief compass the special features of the accounts of these concerns. We entirely agree with the following remarks of the Auditor General regarding the presentation of the accounts of these concerns :

“I am specially struck on this occasion with the improvement which has been effected in the presentation of the accounts of Government commercial concerns contained in the Accountant General, Central Revenues’ Commercial Appendix to his report. In my opinion the Financial Reviews of the various accounting officers have, in general, now reached a higher standard than before, both in the fullness and the suitability of the information supplied ; and the work of my Auditors has thus been correspondingly simplified. I note also that, in general, despite adverse circumstances the financial administration of a number of the concerns has, in the commercial sense, been more successful than for some years past.”

In this connection, the Auditor General raised the question whether, in view of the considerable improvement in the commercial accounts presented to the Committee and in view of the fact that the Committee had before them at present figures of a number of years for purposes of comparison, advance reviews of the subsequent year based on unaudited figures should be continued.

He expressed the opinion that these reviews should be discontinued, as they were, on the whole, objectionable from the Auditor's point of view, being based on unaudited figures. We agree with the Auditor General that these advance reviews may be discontinued, but the departmental witnesses should, if required by the Committee, be in a position to furnish information regarding the working of any particular commercial concern in the subsequent year.

13. *Financial position of the Indian Posts and Telegraphs Department.*—We have perused the memorandum furnished by the Director General, Posts and Telegraphs (Annexure A to the Proceedings of the third meeting), on the future commercial prospects of the Indian Posts and Telegraphs Department and on the various measures taken to reduce the expenditure of the Department. We are glad to note that the loss in the working of the Department has been reduced from about a crore in 1931-32 to about 15 lakhs in 1934-35, which may rise to about  $\frac{1}{2}$  a crore if the cut in pay is restored. We hope that, with the various measures, which the Department propose to take to reduce the loss further, the department will be in a position to present a balanced budget in the near future.

14. *Creation of unauthorised excluded funds in the North-West Frontier Province.*—The Auditor General brought to our notice that certain excluded funds were created by the local Administration in the North-West Frontier Province without proper sanction. One such fund is the khassadar's fund which is financed by money drawn from Government treasury on monthly

- (1) contingent bills at the rate of 1/12th of the annual provision made in the sanctioned budget on account of khassadar contingencies, and
- (2) establishment bills prepared on the basis of the sanctioned strength of the khassadars irrespective of the fact whether the persons for whom pay was drawn were actually in Government service or not.

Out of the amounts thus drawn and credited to the funds, payments are made as and when occasion arises. Another such fund is the motor lorry depreciation fund, which has been created by drawing from the treasury 25 per cent. of the estimate of the annual cost of upkeep and crediting it to the fund. After going into the matter fully we have come to the conclusion that these funds should be abolished immediately. We also consider it desirable that a list of all excluded funds maintained in the Province should be obtained as quickly as possible and examination should be made to see whether all, or any of them, should not be abolished.

15. *Report of the Military Accounts Committee.*—We append the report submitted by the Military Accounts Committee (Annexure A) constituted to make a preliminary examination of the Military Appropriation Accounts and connected documents. We endorse the recommendations and observations of the Committee, both in its report and in the accompanying proceedings of its meetings.

### III. Miscellaneous observations.

16. As in the previous years, we append to our report minutes of our proceedings which we consider should be treated as part of the report. We assume

that in accordance with the established practice action will be taken by Departments as necessary on the observations and recommendations contained in these proceedings.

17. We wish to thank the Auditor General for his lucid comments on the various Appropriation Accounts and specially the "key statement" attached to his letter for the first time this year which greatly facilitated our work, and also for the assistance which he rendered to us throughout the proceedings. We also desire to record that the Appropriation Report of the Accountant General, Central Revenues, was very lucid and informative.

P. J. GRIGG.

M. C. RAJAH

T. N. RAMAKRISHNA REDDI.

S. C. MITRA.

K. UPPI.

ISMAIEL ALIKHAN.

B. DAS.

SHER MOHD. KHAN.

R. D. DAIJAL.

K. SANJIVA ROW.

*Dated the 20th August, 1934.*

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#### ANNEXURE A.

##### Report of the Military Accounts Committee.

We were constituted in pursuance of the recommendations of the Public Accounts Committee of the year 1931-32 in paragraph 31 of their report to make a preliminary examination of the Military Appropriation Accounts and connected documents. In our task we received great assistance not only from the Auditor General and the Financial Adviser, Military Finance, but also from the Army Secretary and the Engineer-in-Chief.

2. The results of our examination of the Appropriation Accounts and connected documents are as usual embodied in the proceedings of our meetings (Annexure I) which should be treated as a part of our report, and it is unnecessary for us here to do more than to refer to the more important points.

3. We are glad to observe that in the Auditor General's view the financial administration of the year, so far as the control of expenditure in bulk is concerned, was active and alert and that the control exercised was commendably successful in its results. In this view we fully concur; and in our judgment there is ample evidence of the obvious desire of the Army authorities to secure every possible economy and strict control of expenditure and of the efficacy of the action which they have taken to this end.

On the other hand, the Director of Army Audit has deemed it necessary to call our attention to a number of instances of financial irregularity which, as the Auditor General has pointed out, reveal considerable laxity of view

and an insufficient sense of responsibility in financial matters on the part of individuals. Though many of those instances are in themselves trivial, we agree with the Auditor General's view, and we are glad to be informed that it is generally accepted by His Excellency the Commander-in-Chief. But we have to recognise that in an organisation of the size of the Defence Services of India there is bound to be every year a certain number of irregularities; they must be viewed with a due sense of proportion, and should not necessarily be taken as indicating that there is anything radically wrong in the financial administration as a whole.

4. *Authorised War reserves of stores.*—The Quartermaster General and the Master General of the Ordnance have furnished the necessary certificates in regard to the existence in stock of the authorised war reserves of stores on the 31st March 1933. Copies of these certificates are attached to our proceedings (Annexures IV and V).

5. *Review of Military Engineer Services expenditure.*—We have been through the lucid and informative review of expenditure on Military Engineer Services prepared by the Financial Adviser for the second year in succession. We agree with the Auditor General that while a certain measure of reform has been devised, there is scope for considerable improvement in the administration of the Military Engineer Services expenditure, especially in the matter of defining more exactly the scope of the original demand for the expenditure and conforming more closely to the scope of the demand as so defined. We had the assistance of the Engineer-in-Chief in examining some of the specific points raised in the review and in the report of the Director of Army Audit regarding Military Engineer Services expenditure. The various steps which the Army authorities propose to take in order to remedy the defects noticed and to improve the position as regards control of expenditure, regulation of contracts, etc., are mentioned in paragraphs 28—31 of our proceedings.

6. *Medical Store Depots.*—We understand that the cost of the Stores Section of the office of the Director General, Indian Medical Service, which is employed solely on work in connection with the Medical Stores Depots is not at present taken into account in calculating the cost of the drugs, etc. We entirely agree with the Auditor General that the cost of this Section should be taken into account, since otherwise the cost of drugs, etc., will not be correctly evaluated. It does not of course follow, and is in fact unlikely, that as a result it will be possible to increase the prices charged to Provincial Governments, etc. Those must depend on market prices.

7. *Financial irregularities.*—The most serious cases of individual irregularity mentioned in the Report of the Director of Army Audit are, in our opinion, those in which false or misleading certificates were recorded, or incorrect information was supplied to audit in other ways. In some of these cases the offence was deliberate in order to conceal an irregularity already committed; in one case the object was to enable the administration to spend money before the 31st of March. The correct recording of original facts in bills, acquittances, vouchers, measurement books, certificates, etc., is essentially an administrative requirement and it is the duty of the responsible departmental officers to ensure the strict accuracy of these departmental records. Audit is not in direct contact with the original facts and has to depend in the execution of its functions on the accuracy of these departmental records; and it becomes almost

impossible for audit, unless supported by administrative co-operation, to detect irregularities if these documents are not in accordance with the facts or if false certificates are recorded. For example, we were told that in one of the cases referred to it was due to a pure accident that audit happened to obtain evidence which proved that an explanation furnished by the executive for certain heavy expenditure was not in accordance with the facts and that a fraud had taken place. We view with grave concern the fact that such false certificates were furnished deliberately in some cases, and we therefore welcome orders to the following effect which, we were informed by the Army Secretary, are being issued under the direction of His Excellency the Commander-in-Chief :—

(a) *Improvement of supervision.*—It will be impressed on all senior officers that it is their duty to see that their juniors realise their financial responsibilities and exercise them properly.

(b) *Proper liaison with finance.*—The attention of all officers acting in an administrative capacity will be drawn to the importance of maintaining close and cordial relations with the accounts authorities throughout all stages of a financial transaction. They will also be made to realise the limitations of audit in detecting fraud without the co-operation of the Army authorities.

We fully agree with the Auditor General that such additions should be made to the orders to be issued as will ensure more effective co-operation with the statutory audit conducted by the Auditor General's department, as well as with the accounts authorities. We think it most important that every one concerned, Military Accounts and Audit authorities, should recognise that they are complementary parts of a single organisation whose duty it is to render mutual assistance to each other, so that the organisation as a whole may function with the greatest possible efficiency.

8. It is our usual practice to restrict our comments to general types of irregularity that are brought to our notice and our recommendations to the action required to prevent their recurrence ; but one case has occurred in the year under report of so serious a character that we consider it necessary to refer to it specially. The facts are not disputed. A field officer signed a series of false certificates over a period of a year, some of them to the effect that he had not been provided with quarters when actually he was living in quarters provided for him, and others to the effect that his family was residing with him when it was found that his family was not residing with him during the period in question, in order to obtain for himself a small personal advantage of approximately Rs. 240 in lodging allowance and compensation for inferior accommodation. Similar action by a Civil officer would, so far as we can judge, have justified a criminal prosecution for cheating under Section 420 of the Indian Penal Code. No disciplinary action of any kind was taken against this officer ; he was merely required to refund the sum of which, by his deliberately false statements, he had defrauded Government.

We were informed that so far as the field officer himself is concerned, it is held, as a matter of administrative principle, that no further action could be taken, since the order of the General Officer Commanding-in-Chief of the Command must be considered a final order. We do not wish to dispute that this is so, but, so far as we have been able to ascertain, Army Headquarters

have, up to the present at any rate, refrained from commenting to the General Officer Commanding-in-Chief of the Command on his failure to take disciplinary action in this case. We strongly recommend that they should do so.

9. We desire to record our warm appreciation of the work of Mr. Macleod who has been extremely helpful to the Committee during the period he was Financial Adviser.

P. J. GRIGG.

A. A. L. PARSONS.

S. C. MITRA.

K. UPPI.

K. SANJIVA ROW.

*Dated the 18th August, 1934.*

### ANNEXURE I.

#### Proceedings of the Military Accounts Committee.

Proceedings of the First Meeting of the Military Accounts Committee held on Monday, the 25th June 1934, at 11 A.M.

#### PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

Sir ERNEST BURDON, Auditor General.

Lt.-Col. A. F. R. LUMBY, Army Secretary.

Mr. A. MACLEOD, Financial Adviser, Military Finance.

Mr. J. R. HOPE, Deputy Financial Adviser, Military Finance.

Lt.-Col. R. PRINCE, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

} *Members.*

} *Were also present.*

The Committee took up the examination of Appendix A to the Appropriation Accounts prepared by the Financial Adviser, Military Finance. The Committee accepted the explanation given or the action taken in regard to the cases mentioned in the Appendix subject to the following remarks :—

2. *Item 1. Revision of Army Regulations.*—The Army Secretary explained that draft Defence Services (Classification, Control and Appeal) Rules had been framed to govern on the disciplinary side all civilians serving under the Army Department, and that, in addition, Basic Rules had been prepared in draft both for civilian personnel and personnel subject to the Indian Army Act and the Indian Air Force Act to serve as a foundation for the revision of the various existing Army Regulations. The Principal Staff Officers and the Military Finance authorities

should complete their preliminary review of the Basic Rules by the end of July 1934, when it is intended to begin the revision of each book of regulations in the light of the general principles the rules contain. The question of a code of regulations to govern civilians under the Army Department in matters other than those covered by the Classification, Control and Appeal rules is under separate consideration.

3. *Item 2 (i). Exhibition of losses due to sale of surplus and obsolete stores.*—The Auditor General presented a Memorandum (*Annexure II*) explaining the progress of the investigation of this subject and the steps that are being taken during the current year for the compilation of statistics and for their examination by the financial control authorities and the Director of Army Audit and stated that any conclusions that might be drawn from the current year's experiment would be intimated to the Committee next year.

*Item 2 (ii). Losses on sale of waste and scrap in Ordnance and Clothing Factories.*—It was agreed that this subject should be treated on its merits in strict accordance with the orthodox procedure relative to the preparation of commercial accounts and that, therefore, it should not be combined with item 2 (i) above.

4. *Item 3. Method of Costing in Medical Store Depots.*—The item was postponed for consideration with paragraph 4 (1) of the Auditor General's letter on the commercial accounts of Army manufacturing concerns.

5. *Item 4. Items to be debited to the Civil Grant for the expansion of the Territorial Forces.*—The Army Secretary explained to the Committee that orders have been issued that the entire cost of Units of a certain Class, namely University Training Corps and Urban Battalions, shall be debited to the so-called "Civil Grant". As regards the outstandings in respect of previous years, no disagreement remains on any points of principle and the amount to be refunded to Civil is being calculated in consultation with the Director of Army Audit.

6. *Item 7. Correct exhibition of stores, apparatus and plant in the books of the holders.*—The Financial Adviser explained that the procedure regarding the exhibition of stores in all departments was examined and found quite suitable. The particular case which gave rise to this recommendation was an exceptional one.

7. *Item 9. Question of the reduction of the total estimate of expenditure on special programme measures in view of the fall in prices.*—The Army Secretary explained that it now seemed that the programme could be completed for about Rs. 9,75 lakhs against the original Rs. 10 crores. In fact if Government were in a position to complete the programme or a substantial part of the outstanding items while prices were still ruling low and if it were possible to obtain the balance of the equipment required within the same time, even larger reduction might be made, but at present there was no indication of either of these possibilities, *vide* Annexure III which explains the position more fully.

The Committee took up the consideration of paragraph 4 of the Auditor General's letter along with the above item. The Auditor General explained that it was agreed that a formal progressive account of the transactions of the Defence Reserve Fund supplemented by an analysis of

balances would be included in the next year's Appropriation Accounts. As regards the extension of the Fund to serve other purposes, the Financial Adviser stated that certain equalisation allotments were at present included in the Defence Reserve Fund, but an analysis of the balances would show these items separately. The suggestion that all the reserves for unforeseen expenditure should be unified and held in the Defence Reserve Fund was not accepted. The Committee agreed with the Auditor General that the Military Engineer Services Reserve should be included in the budget under the appropriate service head, but that its control should be vested in the Army Authorities responsible for the general control over Army expenditure as a whole.

8. *Item 11. Revision of rules for the Depreciation Reserve Fund of Ordnance and Clothing Factories.*—The Auditor General explained that this involved intricate and technical questions of accounting requiring very careful examination and that for this he required further time.

9. *Paragraph 3 of the Auditor General's letter.*—The Committee agreed with the Auditor General that, so far as the control of Army expenditure in bulk was concerned, the Financial administration of the year was active and alert and that the control exercised was commendably successful in its results.

10. *Paragraph 5 of the Auditor General's letter.*—It was explained to the Committee that items 11 and 12 in the list of items of expenditure which had so far not received the sanction of competent authority were still under investigation and a further report would, if necessary, be made to the Committee next year. As regards the inability of audit to exercise an effective check over the balances of stores held on charge by units, the Army Secretary explained that steps had been taken to revise the present Equipment Tables.

11. *Paragraph 6 of the Auditor General's letter—Review of Military Engineer Services Expenditure.*—The Committee agreed with the Auditor General that, while a certain measure of reform had been devised, there was scope for considerable improvement in the administration of the Military Engineer Services expenditure especially in the matter of defining more exactly the scope of the original demand for the expenditure and conforming more closely to the scope of the demand as so defined. The Committee desired, however, to examine the Engineer-in-Chief in regard to Military Engineer Services expenditure in general and also in regard to certain specific matters, *e.g.*, the regulation of contracts, brought to notice by the Financial Adviser and the Director of Army Audit.

12. *Paragraph 7 of the Auditor General's letter—Expenditure on special programme measures.*—The Committee was informed that the Military authorities accepted the correctness of the facts embodied in this account and in the supplementary information furnished by the Financial Adviser.

13. *Paragraph 8 of the Auditor General's letter—Stores Transactions.*—The Committee agreed with the Auditor General that the Army Administration were not at present in a position to assess what should be regarded as the normal level of stores consumption and balances as they had been passing through a period of disturbed conditions which had not yet come to an end. As regards the accounting difficulties in the way of producing accurate and easily verifiable figures for the statement, the Financial Adviser explained that certain suggestions of his to get over these



difficulties had been accepted by the Auditor General. The Committee agreed with the Auditor General that it was desirable (a) that the information should include a reference to the corresponding figures given in connection with the estimates of the year and (b) that there should be a presentation in parallel columns of the figures relating to each heading for a number of years. He suggested that such a presentation of the stores position would be extremely valuable when normal conditions are again reached, especially if the notable variations between particular years were explained in suitable foot-notes by the Financial Adviser.

14. *Paragraph 9 of the Auditor General's letter.—Account of special expenditure for the expansion of the Territorial Force.*—This is already dealt with in paragraph 5 preceding as a separate matter. Mr. Mitra desired to draw attention to the fact that the Army Authorities were not able to spend the sum (commonly called the "Civil Grant") appropriated annually for the expansion of the Territorial Force.

15. *Paragraph 10 of the Auditor General's letter.—Financial Irregularities.* The Army Secretary read to the Committee a statement prepared by the Military authorities at Army Headquarters giving the views of His Excellency the Commander-in-Chief on the various points brought out by the Auditor General and the steps he proposed to take in connection with them. His Excellency regretfully acknowledged that there was cause for the Auditor General's main criticisms, but was not prepared to agree that 'laxity of view' and 'insufficient sense of responsibility' in financial matters were as wide-spread as the Auditor General's remarks might be held to imply.

His Excellency has given orders that the serious attention of local Military authorities shall be drawn to the two following directions in which he considers improvement is most necessary :—

- (a) Improvement of Supervision. It is being impressed on all senior officers that it is their duty to see that their juniors realise their financial responsibilities and exercise them properly.
- (b) Proper Liaison with Finance. The attention of all officers acting in an administrative capacity will be drawn to the importance of maintaining close and cordial relations with the accounts authorities throughout all stages of a financial transaction. They will also be made to realise the limitations of audit in detecting fraud without the co-operation of the Army authorities.

Steps are also being taken to accelerate the revision and simplification of Army regulations, the intricacy of which leads at present to much misunderstanding between the financial and administrative authorities.

In connection with (b) above, the Auditor General asked the Army Secretary if he would be willing to arrange for the addition to the orders to be issued of such additional instructions as would ensure more effective co-operation with the Statutory Audit conducted by the Auditor General's Department as well as with the Accounts authorities. The Army Secretary agreed to bring the Auditor General's wish to the notice of the Adjutant General.

The Army Secretary also suggested that the Report of the Director of Army Audit might make some distinction between irregularities belonging to the year under review and those which are legacies of previous years.

The Committee after considerable discussion did not accept the suggestion as all cases are not included in the Report but only a few typical ones and it would therefore be misleading to judge from the number of cases included in the Report in any particular year. The Committee desired that the Report should include cases cleared up in time for inclusion in the Audit Report but really bad cases might be mentioned though they were not completed.

16. *Paragraph 20 of the Report of the Director of Army Audit.—Over-issue of marriage allowance.*—The Financial Adviser explained that this was a very rare case. It was also stated that a new fact had recently come to light which had necessitated the re-opening of the case and the further consideration of its disciplinary aspect.

17. *Paragraph 24 of the Report of the Director of Army Audit.—Irregular employment of an Engine Cleaner.*—The Auditor General raised the general question whether adequate machinery had even now been adopted for the internal check of sanctions and the scrutiny of original claims in the case of recurring payments. The Military Accountant General explained that he had gone into the position thoroughly and, so far as he could see, the checks at present exercised were as perfect as they could be. In the particular case referred to by the Director of Army Audit, the Engine Cleaner was originally employed by the Military Engineer Services who were competent to accord sanction, but he was subsequently transferred to the Medical Branch, who were not competent to employ him without the sanction of the Government of India.

18. *Paragraph 27 of the Report of the Director of Army Audit.—Failure to raise debits against His Majesty's Government in respect of certain pensions.*—The Military Accountant General explained that the original pension orders had to be issued within a certain limit of time with the result that the accounts authorities could not go in detail into the history of each pensioner. The Government of India realised at the time that there was a certain risk of wrong debits. Every pension was now being audited and he hoped to complete the work in about two years' time.

19. *Paragraph 40 of the Report of the Director of Army Audit.—Irregular disposal of fees for testing water.*—The Financial Adviser explained that under the rules a fee of Rs. 5 could be levied for each analysis and this was to be credited to Government. In addition, the Medical Officer-in-charge may, if he thinks fit, make an extra charge against non-Army authorities and distribute this extra amount among the staff. The Auditor General suggested that the new rules should make it clear that all the fees recovered should first be credited to Government and any portion to be paid to the staff should be drawn on a payment voucher. The Committee agreed to this suggestion.

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**Proceedings of the Second Meeting of the Military Accounts Committee held on Tuesday, the 26th June 1934, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. S. C. MITRA.

Mr. K. UFFI SAHEB Bahadur.

} *Members.*

Sir ERNEST BURDON, Auditor General.  
 Lt.-Col. A. F. R. LUMBY, Army Secretary.  
 Mr A. MACLEOD, Financial Adviser, Military  
 Finance.  
 Mr. J. R. HOPE, Deputy Financial Adviser,  
 Military Finance.  
 Lt.-Col. R. PRINCE, Military Accountant General.  
 Mr. L. J. PECK, Director of Army Audit.

} Were also  
 present.

20. *Paragraphs 43 to 47 and 60 of the Report of the Director of Army Audit.*—In these cases false or misleading certificates were recorded and in one case incorrect entries were made in the accounts and an incorrect reply given to Audit. In some cases the offence was deliberate in order to conceal an irregularity already committed; in one case the object was to enable the administration to spend money before the 31st of March. The correct recording of original facts in bills, acquittances, vouchers, measurement books, certificates, etc., is essentially an administrative requirement, and it is the duty of the responsible departmental officers to ensure the strict accuracy of these departmental records. Audit is not in direct contact with the original facts and has to depend, in the execution of its functions on the accuracy of these departmental records; and it becomes almost impossible for Audit, unless supported by administrative co-operation, to detect irregularities if these documents are not in accordance with the facts or if false certificates are recorded. For example, we were told that, in one of the cases referred to in these paragraphs it was due to a pure accident that Audit happened to obtain evidence which proved that an explanation furnished by the Executive for certain heavy expenditure was not in accordance with the facts and that a fraud had taken place. The Committee viewed with grave concern the fact that such false certificates had been furnished deliberately in some cases. They also desired to record their opinion that the punishment awarded in some cases was entirely inadequate and that the administrative authorities appeared to take a far too lenient view of cases where the furnishing of false certificates was deliberate.

21. *Paragraph 62 of the Report of the Director of Army Audit—Irregularities in the allotment and hiring of quarters.*—The Committee was informed that the first and the third of the cases mentioned were due to faulty administration and the second to force of circumstances and that the rules had since been amended to permit the local authorities to take, in future, action of the kind taken in the second case.

22. *Paragraph 64 of the Report of the Director of Army Audit—Non-recovery or short recovery of rent, water and electric charges and conservancy tax.*—The Committee was informed that certain improvements in procedure had already been given effect to and other improvements were under consideration.

23. *Paragraph 67 of the Report of the Director of Army Audit—Contracts.*—The Committee desired to discuss this with the Engineer-in-Chief.

24. *Paragraph 11 of the Auditor General's letter and paragraph 50 of the Report of the Director of Army Audit—Rulings of the Judge Advocate*

*General.*—The Committee was informed that, while the individual cases quoted by the Director of Army Audit were regarded as finally settled, the rulings given by the Judge Advocate General in connection with them were being carefully re-examined in consultation with the Legislative Department and that the final conclusions reached would be intimated to Audit and a statement placed before the Committee next year.

*Army Manufacturing Concerns.*

25. *Paragraph 2 of the Auditor General's letter.*—The Financial Adviser informed the Committee that the Reviews of the departmental officers on the trading accounts would in future be furnished to the Director of Army Audit by the 1st of March. The general review of the Financial Adviser on the commercial accounts as a whole would be furnished a little later. The Committee agreed with the Auditor General that the accounts would be more informative if they were presented, as is already done in the case of the Commercial Accounts of the Central Government (Civil), with two parallel money columns showing the figures of the preceding year and the current year side by side. They also agreed that the departmental review in respect of the current year's accounts was sufficient for their purpose, and that the review of the preceding year need not be reprinted.

26. *Paragraph 4 of the Auditor General's letter.*—The Auditor General informed the Committee that—

- (1) the cost of the Stores Section of the office of the Director General Indian Medical Service, was at present included correctly in the Profit and Loss accounts of the Medical Stores Depots though it was debited to the Civil budget and not to the Army budget, and
- (2) the cost of this Section was not taken into account in calculating the cost of the drugs, etc.

As regards (1), the Committee was given to understand that the question of the transfer of the cost to the Army Budget was at present under consideration. As regards (2), the Committee consider that it should be taken into account in calculating the cost of the drugs, etc. The Financial Adviser explained to the Committee that if this item were taken into account the cost of drugs, etc., would show a rise. The Auditor General contemplates that the costs of drugs, etc., should be correctly evaluated and a comparison made with market prices in respect of important representative items of medical stores and that the whole matter should then be further considered. The Financial Adviser intimated that, if the cost of drugs, etc., as so valued should rise, a corresponding increase could not be made in the prices actually charged to the Provincial Governments, etc., as this would almost certainly drive the customers to go elsewhere for their requirements. The Committee accepted this.

27. The Committee desired that in the "Statement comparing the cost of important items of manufacture with Home priced vocabulary stores rates" the cost of manufacture for two years should be given.

**Proceedings of the Third Meeting of the Military Accounts Committee held on  
Wednesday, the 27th June 1934, at 11 A.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

} *Members.*

Sir ERNEST BURDON, Auditor General.

Lieutenant-Colonel A. F. R. LUMBY, Army Secretary.

Mr. A. MACLEOD, Financial Adviser, Military Finance.

Mr. J. R. HOPE, Deputy Financial Adviser, Military Finance.

} *Were also  
present.*

Lieutenant-Colonel R. Prince, Military Accountant General.

Mr. L. J. PECK, Director of Army Audit.

Major General G. H. ADDISON, Engineer-in-Chief.

28. Mr. Mitra asked the Engineer-in-Chief why tenders other than the lowest continued to be accepted in some cases without assigning any reasons and why it was not possible to accept the lowest tender in all cases when there was an approved list of contractors. The Engineer-in-Chief explained that, under the revised edition of the regulations for the Military Engineer Services issued in 1933, the officer who receives the tenders is bound to record his reasons in a case where he recommends acceptance of other than the lowest tender. As regards the acceptance of the lowest tender in all cases, the Engineer-in-Chief referred to a note in which he had explained that they were aiming at that ideal but there were certain difficulties mentioned below which they were trying to overcome :—

- (1) Contractors in India are not really contractors in the sense in which the term is understood elsewhere. In some places the approved list of contractors consists mostly of a number of local *banias* who are not in a position to understand the technical side of the work. At the same time, it is not advisable to exclude them altogether from the approved list, as this would reduce competition and raise prices. Some of the contractors on the approved list are good for some jobs but they may not be equally good for others. Regulations are being revised, one of the objects being that contractors shall be educated up to requirements so that ultimately there would be nobody on the approved list who will not be considered capable of carrying out any contract and the acceptance of the lowest tender will become largely automatic.
- (2) Quantity Surveyors expert in the preparation of accurate specifications and bills of quantities had not been available in India hitherto. The Secretary of State had recently approved a scheme providing for these and in pursuance thereof, a senior Engineer Officer who had just completed his tenure of the appointment of Chief Technical Examiner at the War Office and who possessed considerable Indian experience had arrived in India and

he hoped that the remaining surveyors would arrive early in the next trooping season.

- (3) A detailed examination of the present regulations is being undertaken to consider where amendments are necessary, and this will take time to complete.
- (4) In order to get a really efficient contract, detailed and accurate documents would have to be produced but where at a moment's notice accommodation for a large number of troops is needed or a similar urgent work had to be undertaken there would be no time to go into such detail.

29. As regards the Engineer-in-Chief's apparently depreciatory estimate of the quality and competence of contractors in India, the Auditor General remarked that the Public Works Reorganisation Committee of 1917 recommended that efforts should be made to stimulate the creation of a class of contractors who would be reliable and who would be able to undertake large works. The Public Works Department have since done their best to stimulate the growth of competent contractors, and it was his information that in many places, *e.g.*, Delhi, there were a number of perfectly competent contractors to whom it would not be fair to apply the description given by the Engineer-in-Chief. One other recommendation of that Committee was that firms taking large Engineering contracts should be required to employ competent Engineering staff and contractors employed by the Public Works Department do actually conform to this requirement. He added that it was his experience that the Civil Public Works Department, who have to work under rather more restrictive conditions than the Military Engineer Services because they deal with expenditure which is subject to the vote of the Assembly, have not experienced the same difficulty in observing financial rules as the Military Engineer Services. The Engineer-in-Chief remarked that his note was not meant to be a general condemnation of contractors in India but that it applied only to certain particularly difficult areas, such as the tribal areas, and that though the Civil Public Works Department worked under more restrictive financial conditions than the Military Engineer Services, the latter owing to the unavoidable variations in Army policy, even in peace time, found it very difficult to bring the regulation of Military Engineer Services expenditure to a state of greater stability.

30. In reply to a question from the Auditor General the Engineer-in-Chief agreed that it was right to impress on all concerned, as suggested by the Financial Adviser, Military Finance, in the last sentence of paragraph 237 of the Appropriation Accounts, that the conditions to be complied with under the rules before a work is started are not mere "formalities" but should be observed before the work is actually put in hand in all but cases of the utmost urgency. It is, of course, a different matter when the conditions are waived by the Government of India themselves and in such cases objection should not be raised by Audit against the Military Engineer Services.

31. In paragraph 239 of the Appropriation Accounts the Financial Adviser had brought to notice two important points. The first is that, when Engineer Officers exercise the authority given to them by the regulations to extend contracts without calling for fresh tenders, particular vigilance is necessary at a time like the present to ensure that advantage is taken of falling prices. The

second point relates to a tendency to revise particular clauses in contracts on representations from contractors. The Financial Adviser observes that, while it is admitted that there may be exceptional cases in which unforeseen developments may necessitate the revision of a single clause of a contract, the power to revise is clearly one the exercise of which calls for discretion and if agreements are properly drawn occasions for using that power should be rare. The Engineer-in-Chief in reply to a question from the Auditor General stated that he accepted the views expressed in the whole of paragraph 239.

32. *Paragraph 67 of the Report of the Director of Army Audit.*—The Engineer-in-Chief informed the Committee that in this particular case the work was not given to the first contractor as he was in financial difficulties at the time. Subsequently when he got sufficient financial backing he was given a similar work. The Committee noted that in this particular case the reasons given to Audit for not giving the work to the first contractor were not the real reasons.

33. The Military Accountant General informed the Committee that the Military Engineer Services' Audit was at present conducted by non-technical men with the result that the objections raised during the period under review were in some cases very irritating to the Engineer Officers. In this connection the Auditor General raised the question why it was not possible to have trained Works Accountants as on the Civil side. The Committee desired that the Military Accountant General and the Auditor General should examine this question and make joint recommendations.

34. Mr. Mitra invited the attention of the Army Secretary to the point made in paragraph 11 of the Director of Army Audit's Report, viz., that Audit cannot relieve an executive authority of at least part of his responsibilities for the prevention and detection of irregularities. The Army Secretary quoted from the statement giving the views of His Excellency the Commander-in-Chief on paragraph 10 of the Auditor General's letter to show that His Excellency was in sympathy with the views expressed by the Director of Army Audit and had ordered instructions to be issued to bring the point raised by him prominently to the notice of subordinate military authorities.

35. Mr. Mitra drew attention to paragraph 16-C of the Director of Army Audit's Report which dealt with the recording of certificates otherwise than in accordance with the facts. The Army Secretary pointed out that it was only natural that a report which dealt almost entirely with mistakes committed should give the impression that cases of this nature were more prevalent than the facts actually warranted. He assured Mr. Mitra, however, that the Military authorities were fully alive to the seriousness of offences of the kind brought to notice.

36. In answer to enquiries arising out of paragraph 16-D of the Report regarding the loss and premature destruction of documents, it was stated that there was no such evidence as would justify an inference that such action was deliberate or intentional. In response to a request, the Army Secretary undertook to furnish a statement\* in respect of the three cases of loss mentioned in paragraph 61 of the Audit Report.

37. Certificates furnished by the Quartermaster General and the Master General of the Ordnance (*Annexures IV and V*) regarding the existence in stock

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\* Since furnished.

of the authorised War Reserve of stores on the 31st March 1934 were read out to the Committee.

38. Mr. Mitra and Mr. Uppi Sahib Bahadur expressed their appreciation of the work of the Financial Adviser who has been very helpful to the Committee during the last three years. The Chairman and Sir Alan Parsons desired to associate themselves with the remarks of Mr. Mitra and Mr. Uppi Sahib Bahadur.\*

## ANNEXURE II.

(Vide paragraph 3 of Proceedings.)

**Memorandum furnished by the Auditor General regarding the preparation of statistics relating to surplus and obsolete stores of the Army, Marine and Military Engineer Services ; vide item 2 of Appendix A to the Army Appropriation Accounts.**

As expressed in paragraph 32 of their Report on the Accounts of 1929-30, Volume I, the Public Accounts Committee agreed to the abolition of priced store accounts on the understanding that certain statistical information would be given to them, which would in some form replace the information which was previously at their disposal through consolidated statements based on the priced store accounts. The figures shown in Appendix "E" to the Army Appropriation Accounts for 1932-33 are intended to fulfil in part the undertaking given in this connection ; while it would be consistent with the undertaking, or at any rate with the desire underlying the Committee's request, that certain further information should be given, *viz.*, on the financial aspect of the periodical disposals of surplus and obsolete stores.

2. The Auditor General, through the Director of Army Audit, is still examining in consultation with the Military Finance authorities the most suitable method of examining, co-ordinating, and exhibiting the relevant material.

3. It may be explained, at once, however that, if a practicable and reliable means can be devised of exhibiting such figures, the primary object will be not to add to the enumeration of formal " losses " but to provide an additional test of the efficiency of financial administration and control. In this connection it is of interest to note that, in the United Kingdom, the difference between the book value and the sale value of surplus and obsolete stores of the Army and Royal Air Force is not exhibited as a formal " loss ", expressed in terms of money. The reason for this is that in many cases stores become surplus or obsolete as a result of deliberate and necessary changes of policy and alterations in design. So long as money has been expended in accordance with the decisions of Parliament, the question of policy is not subjected to review as a matter of Account, while as a general rule the accounting records do not furnish sufficient information to enable a correct judgment to be formed on the economic results of policy. In the case of the Navy, though the details of the procedure are not exactly known, the Accounts show figures of " depreciation and loss " which appear to include the writing down of such stores to sale value.

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\* The draft Report of the Military Accounts Committee was adopted by the Public Accounts Committee, with certain modifications, at the meeting held on Saturday, the 18th August 1934, at 3 P.M.



**ANNEXURE III.**

(Vide paragraph 7 of *Proceedings*.)

**Note on the question of reduction in the cost of the Re-equipment Programme, furnished by the Army Department with reference to paragraph 6 of the Report of the Military Accounts Committee on the accounts of 1931-32.**

The Military Accounts Committee in their report on the Appropriation Accounts of the Defence Services for 1931-32 raised the question whether the cost of the re-equipment programme should not be reduced in view of the fall in world prices.

2. The most careful possible calculations have been made and it now seems probable that the programme can be completed for about Rs. 9·75 against the original Rs. 10 crores. In fact if Government were in a position to complete the programme, or a substantial part of the outstanding items, while prices are still ruling low and if it were possible to obtain the balance of the equipment required within the same time, an even larger reduction might be made. At present however there is no indication of either of these possibilities and the matter is therefore more of academic than of practical interest. The fullest possible advantage has already been taken of the fall in prices, and if a further reduction should prove possible, it will be made. The Committee may rest assured that Government will not be asked to provide more money than is actually required.

3. Although the Committee's main point has been met by the above statement, some further explanation may be thought desirable, both to bring out the difficulty of giving an absolutely firm answer to their question and also, perhaps, to show why a larger reduction than the Rs. 25 lakhs mentioned above is not likely to be secured.

4. The original programme was no more than a statement of deficiencies with a rough estimate against each item of the cost of making good the deficiency. It was not a schedule of fully costed items of future expenditure. The provisional nature of the original estimates was fully recognised from the outset both by the Government of India and by the Secretary of State; and it was accepted that alterations and modifications must take place from time to time in accordance with the results of further experience. Moreover, in the Army as in every other department of Government, a margin above the normal standing charges has always to be provided for New Demands. The stabilised budget arrangement in the Army did away with the procedure of budgeting for standing charges *plus* new demands and, therefore, the programme had necessarily to include a fairly large margin for unforeseen expenditure which would otherwise have been met under the New Demands procedure. There was, however, always the stipulation that, whatever variations might take place in the execution of the programme, there should be no large alteration in the total cost and that the purposes for which the programme was intended should remain substantially the same.

\* 5. *Definite 'costing' as programme developed.*—As money became available the programme was taken up by sections in the order of urgency and, as each

section was taken up, it was converted from a roughly valued statement of a deficiency into a concrete and regularly costed proposal for expenditure. It was originally hoped to complete the programme, in four years, but the process described has already been spread over six years and there still remains a substantial balance of the programme which has been only roughly costed.

6. Prices have varied greatly since the programme was initiated and a close approximation to the original rough estimates of cost was never to be expected. If, however, the Committee are disposed to think that larger reductions might have been made, they must bear the following facts in mind.

7. In the first place, the goods purchased in pursuance of the re-equipment programme have not been raw materials but, for the most part, highly finished manufactured articles, among which may be mentioned aeroplanes, artillery tractors, light tanks, motor transport vehicles, machine guns, wireless equipment and other scientific apparatus. Into the price of such articles the cost of skilled labour enters largely and the cost of the materials is, in varying degrees, of minor importance. Consequently the effect of the fall in world prices on the cost of such articles is less marked and slower in maturing. Moreover, owing to improvements in design or to other causes, the prices of certain articles have actually increased.

8. In the second place, of the total expenditure up to date amounting roundly to Rs. 7.50 crores, about 5 crores was spent before the fall in prices became effective. The financial stringency caused by the fall in prices of primary products was itself the cause of a drastic restriction of the funds available for expenditure on the programme. In the three years 1932-33, 1933-34 and 1934-35 together, the total amount spent or to be spent on the programme is only about one crore. Thus, while it is believed that full advantage has been taken, where possible, of such fall as has occurred in the prices of the articles purchased, it will be seen that the volume of expenditure on which such advantage could be taken is a relatively small proportion of the total.

9. *Remainder of programme only roughly costed.*—The remainder of the programme which has to be financed is still only roughly costed and it would serve no useful purpose to make a detailed estimate now in an attempt to obtain a firm revised figure for the cost of completion. To mention one point only, it would almost certainly be misleading to base a detailed estimate on present prices, because it is probably correct to say that a general rise in prices *must* occur before Government will be in a position to provide funds to finance the remainder of the programme. The further expenditure required to complete after allowing for the amount provided in the budget for 1934-35 is roughly estimated at Rs. 195 lakhs.

10. *No expansion of programme has been made.*—If behind this question raised by the Committee there is the desire to be assured that advantage has not been taken of the fall in prices to expand the programme by including items not covered by the original list, it may be of interest to detail the safeguards provided to prevent any such addition. In the terms of the agreement for the stabilization of the Defence Budget it was laid upon the Financial Adviser, Military Finance, as a specific duty that he was to bring to the notice of the Finance Member any proposal for expenditure which seemed to him

to be a departure from the terms of the agreement. As might naturally be anticipated since conditions are not static, and, as was in fact accepted in advance by the Government of India and the Secretary of State (*vide* paragraph 4 above), the measures put into force have not corresponded exactly to the original intentions. In other words, when an item was included in the original 'statement of deficiencies' it was intended to make good the deficiency in a certain way : in some cases further examination or experience has shown that better results would be obtained by applying a somewhat different remedy. The points of doubt, which the Financial Adviser has had occasion to report for orders in the exercise of the responsibility laid on him, have been of this nature, *viz.*, not substantive additions to the original list but variations from the letter of the original proposals. Since such variations involved no departure from the spirit of the original agreement, Government sanction has been freely accorded, provided that the new remedy did not involve greater expenditure than the original one. In point of fact the association of the Finance Department with the execution of the programme has been closer than was originally stipulated : in recent years, owing to the restriction of the resources available for financing the programme, the practice has grown up of referring to the Finance Member for his specific consent a list of the items for which it is proposed to make provision in each year's budget. In view of these safeguards the Committee may rest assured that advantage has not been taken of the fall in prices or other similar factors to make any alterations in the programme which depart from the spirit of the original agreement.

#### ANNEXURE IV.

(*Vide paragraph 37 of Proceedings.*)

##### Indian Certificate

I certify that, on 31st March 1934, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilization of the Army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and maintenance of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand, and with the exceptions shown in the attached Annexure.

E. IRONSIDE,

*Lieutenant-General,*

*Quartermaster General in India.*

*The 26th May 1934.*

##### Annexure to certificate, dated 31st March 1934.

Deficiencies in the authorised numbers of M. T. Vehicles to be held in mobilization reserve :

- (i) *1 motor cycle, solo*, authorised to be held by the 1st D. A. C. Campbellore. This deficiency has been accepted by all concerned in

view of the proposed replacement of this type of unit by Divisional Ammunition Unit in the near future.

- (ii) 4 *Workshop lorries*, authorised to be held towards the commitments entailed by the raising of new M. T. Companies on mobilization. This deficiency will be made good if and when the 6-wheeled workshop type chassis ordered from the United Kingdom against the 1932-33 Mechanisation Programme are converted\* and issued to units, in replacement of 4-wheeled workshop lorries, which will be put in a fit mechanical condition and held as mobilization reserve vehicles.
- (iii) (a) 14 *store lorries*, authorised to be held for the use of extra 2nd line M. T. artificers on mobilization and towards commitments entailed by the raising of new M. T. Companies.
- (b) 7 *breakdown lorries*, authorised to be held for the purpose as at (iii) (a) above.

The vehicles, equipment, etc., required to complete the deficiencies of the above vehicles are available in the country, but the conversion has not been completed.

- (iv) 4 *Foden disinfecter lorries*. Against the authorised establishment of 11 of this type of vehicles, only 7 are held. To meet the deficiency of 4 vehicles, a like number of Albion A-10 type, 3-ton, 4-wheeled chassis is available. These vehicles are at present unallotted and held in mobilization reserve pending a decision as to their abolition.

## ANNEXURE V.

(Vide paragraph 37 of *Proceedings*.)

### Indian Certificate.

I certify that, on 31st March 1934, the War Reserves of stores authorised by the Government of India to be held at that date for the mobilization of the army in India and detailed in the published War Equipment Tables, or provided for under specific sanctions, for the provision and manufacture of which I am responsible, were complete to the extent to which the quantities required have been calculated, with the exception of fluctuations normal to the maintenance of such reserves, or to shortage and deficiencies due to sanctioned alterations in such reserves, the adjustment of which is in hand.

H. E. AP RHYS PRYCE,

*Lieutenant-General,*

*The 11th May 1934.*

*Master General of the Ordnance in India.*

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\* Work under suspension owing to reorganization of the I. A. S. C. (M. T.).

#### IV.—PROCEEDINGS OF THE PUBLIC ACCOUNTS COMMITTEE.

Proceedings of the First Meeting of the Public Accounts Committee held on Friday, the 29th June 1934, at 11 A.M.

##### PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

Kurwer Hajee ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Sir ERNEST BURDON, Auditor General.

Mr. M. BUTLER, Accountant General, Central Revenues.

The Hon'ble Sir ALAN PARSONS, Finance Secretary, *Witness*.

} *Members.*

} Were also present.

1. The Committee took up the consideration of the items shown against the Finance Department and the Auditor General in the Quarterly List of outstandings (Appendix I) and accepted the action taken and the explanations given in regard to the various items.

2. The Committee then went through paragraphs 11—20 of the Appropriation Accounts. In view of the fact that the receipts from the residential buildings in New Delhi did not cover the interest charges on the capital expenditure Mr. Das desired that the Finance Department should not in future sanction any capital expenditure or give advances to Provincial Governments from the Provincial Loans Fund for such expenditure if the schemes were not likely to be remunerative. As regards the financial prospects of the Vizagapatam Harbour, the Auditor General suggested that the Committee might consider the question after the first commercial accounts of the Harbour are available next year. The Auditor General referring to the statement giving an analysis of loans and advances bearing interest said that if the Committee considered it desirable, he would supplement the statement in future years by giving certain further important information regarding the various loans and advances. The Committee considered the statement a very useful one and desired that the Auditor General should continue it with such improvements as he might consider necessary.

3. The Committee next examined the general results of Appropriation Audit during the year 1932-33. The Committee agreed with the Accountant General that from the point of view of accurate estimating and efficient control of expenditure the year 1932-33 like the previous year was one of difficulties. A good deal of the savings of the year was due to the fact that in many cases further retrenchment was effected after the budget estimates were framed.

The Committee however considered it desirable that, as suggested by the Accountant General, particular attention of the various departments should be drawn to the detailed results of 1932-33 Appropriation Accounts in connection with the current control of expenditure. The Finance Secretary agreed to issue necessary instructions. He explained that even now the estimates of the various departments were very carefully scrutinised by the Finance Department and lump cuts for probable savings were made when they were justified by previous experience.

4. The Committee then adjourned till 2 P. M.

**Proceedings of the Second Meeting of the Public Accounts Committee held on Friday, the 29th June 1934, at 2 P. M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. S. C. MITRA.

Mr. K. UPPI SAHEB BAHADUR.

Kunwer Haje ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YUKUB.

*Members.*

Sir ERNEST BURDON, Auditor General.

Mr. M. BUTLER, Accountant General, Central Revenues.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

*Were also present.*

Mr. M. S. A. HYDARI, Joint Secretary, Department of Education, Health and Lands.

Mr. R. H. HUTCHINGS, Deputy Secretary, Department of Education, Health and Lands.

The Hon'ble Mr. D. G. MITCHELL, Secretary, Department of Industries and Labour.

Mr. E. W. PERRY, Joint Secretary, Department of Industries and Labour.

*Witnesses.*

Mr. E. M. JENKINS, Deputy Secretary, Department of Industries and Labour.

Mr. M. IKRAMULLAH, Under Secretary, Department of Industries and Labour.

Mr. A. BRENNER, Chief Engineer, Central Public Works Department, New Delhi.

Mr. C. T. LETTON, Controller of Printing and Stationery.

Mr. F. TYMMS, Director of Civil Aviation.

5. The Committee took up the consideration of the Appropriation Accounts and connected documents relating to the Department of Education, Health and Lands.

6. *Item 4 of the Quarterly Statement—Surplus stocks of quinine.*—The Committee was informed that out of the surplus of lbs. 130,000, lbs. 20,000 have been manufactured into the form of trade quinine and of the latter lbs. 4,000 have actually been sold. The Department was also at present conducting certain negotiations with the representative of the Kina Bureau for the sale of the surplus. The Committee hoped that the Department would be able to report considerable reduction in the surplus stock next year.

7. *Item 6 of the Quarterly Statement—Plates for the Sanchi Monograph.*—The Committee was informed that the remaining 12 plates were expected to be received by October next.

8. The Committee considered the explanations given for the excesses under Grants Nos. 21, 35, 48, 58, 61, 67 and 82 to be adequate.

9. *Commercial accounts of the Mathematical Instrument Office, Calcutta.*—It was admitted that the present state of affairs in the Mathematical Instrument Office is not satisfactory but that the Department could not take steps towards further retrenchment as their chief customer, the Army Department, had not been able to tell them definitely what their requirements were. The Committee was informed that a definite reply from the Army Department had since been received and that steps would be taken as soon as possible to adjust the establishment to the new conditions.

10. *Central Museum.*—The Committee observed that from the statement of receipts and expenditure of the Central Museum given on page 136 of the Appropriation Accounts it was not clear how the expenditure in excess of about Rs. 44,000 contributed by the Government of Bengal and the Government of India was met. The Committee desired that in the future Appropriation Accounts the position should be explained more clearly.

11. The Committee then took up the consideration of the Appropriation Accounts and connected documents relating to the Department of Industries and Labour.

12. *Item 13 of the Quarterly List—Outstanding Balances in the Central Publication Branch.*—The Committee was informed that the money was actually received but was not properly adjusted in the ledgers.

13. The Committee accepted the explanations given for the excesses under Grants Nos. 22, 40, 49, 50, 54 and 63.

14. The Auditor General brought to notice the large closing balance of paper and binding material at the Aligarh Press which represented about six or seven months' consumption against three or four months' consumption provided for in other Presses. The Controller of Printing and Stationery informed the Committee that it was necessary to maintain a larger stock at Aligarh to provide against strikes, etc., in view of the large amount of work done there for the Posts and Telegraphs Department. He stated that the question of reduction of stocks was under his consideration and he hoped to reduce them to a lower figure next year.

15. The Auditor General also pointed out that it was suggested at a meeting of the Public Accounts Committee two or three years ago that the value of the work done by the Government of India Presses for each paying and non-paying

Department of the Government of India should be exhibited in the commercial accounts. The Committee desired that these figures should be included in the commercial accounts from next year as they would be of great use in comparing the expenditure incurred by each department on printing from year to year.

16. The Auditor General also enquired whether the certificate of verification of stock in the Central Publication Branch in paragraph 297 of the Commercial Appendix did not require revision. The Controller informed the Committee that the verification had not yet been completed and that when it was completed a fresh certificate would be furnished.

17. *Paragraph 105 of the Appropriation Accounts.*—In reply to a question from the Auditor General whether a decision had been reached as to the terms on which certain assets had been handed over to the New Delhi Municipal Committee, the Committee was informed that no decision had yet been reached. The Auditor General and the Finance Secretary stated that it was very important to come to a conclusion as quickly as possible as delay would make the case more complicated and there was a danger of the assets passing on to the municipality without any sort of control by Government.

18. The Committee then adjourned till 11 A.M. on Saturday, the 30th June 1934.

#### Proceedings of the Third Meeting of the Public Accounts Committee held on Saturday, the 30th June 1934, at 11 A.M.

##### PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*,

Mr. T. N. RAMAKRISHNA REDDI.

Mr. S. C. MITRA.

Mr. K. UPPI Saheb Bahadur.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Dr. R. D. DALAL.

Maulvi Sir MOHAMMAD YAKUB.

Sir ERNEST BURDON, Auditor General.

Sir ALAN PARSONS, Finance Secretary.

Mr. M. BUTLER, Accountant General, Central Revenues.

Mr. E. T. COATES, Accountant General, Posts and Telegraphs.

Mr. G. V. BEWOOR, Director General, Posts and Telegraphs.

Mr. GHULAM MOHAMMAD, Officiating Financial Adviser, Posts and Telegraphs.

Mr. S. P. VARMA.

} *Members.*

} *Were also present.*

} *Witnesses.*

19. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Posts and Telegraphs Department.



20. *Paragraph 3 of the Auditor General's letter—Financial position of the Department.*—A memorandum was furnished to the Committee (*vide* Annexure A) in which it is explained—

(1) The loss in the working of the department was reduced from about 94 lakhs in 1931-32 to about 42 lakhs in 1932-33, but it rose to about 52 lakhs in 1933-34 of which about 27½ lakhs was due to the reduction of the cut in pay with effect from the 1st April 1933. The estimates for the current year anticipate a loss of about 14½ lakhs only which may rise to about half a crore if the cut in pay is restored.

(2) Efforts were being continued to reduce the loss further by the following measures :

“The retrenchment concessions have been extended so far as the Posts and Telegraphs department is concerned up to the 31st March 1935. The retrenchment of surplus staff is being carried out wherever justified and the policy of employing cheaper agencies wherever possible is being consistently pursued. The recommendations of the Telegraph Establishment Enquiry Committee are at present under the consideration of Government. A Postal Enquiry Committee has been appointed in order to examine and simplify the procedures in the post office and some economy may be anticipated as a result of the recommendations of this Committee. New reduced scales of pay for the non-gazetted subordinate staff of the department are expected to be introduced shortly. On the receipt side, attempts are being made to secure more revenue by a reduction in the telephone rates. Government have also under consideration the introduction of a new method of remittance in the form of Indian Postal Orders on the lines of British Postal Orders. The activities of the department are being advertised in the public press so as to attract more traffic. In order to ascertain whether it is really the high rates of postal and telegraph charges that are preventing an increase in traffic, the rates have been reduced this year and the response of traffic to these reduced rates is being carefully watched. The figures for revenue and expenditure for April 1934 and approximates for May 1934 do not give sufficient indication to base any conclusions but the situation is being carefully watched and efforts will continue to be made to reduce expenditure and to secure an increase in revenue.”

21. *Paragraph 4 of the Auditor General's letter—Accuracy of budgeting and efficiency of control over expenditure.*—The Committee was furnished with the Memorandum on this subject also (*vide* Annexure B) which explains the various steps taken or under contemplation to remedy the defects noticed and to effect improvements in the procedure concerning budgeting and control of expenditure. The Auditor General also informed the Committee that he had definitely gained the impression that the posts and telegraphs authorities were now going much more deeply and in much more detail into these matters and that he was satisfied with what they were doing and what they proposed to do in future.

22. *Paragraph 80 of the Appropriation Accounts.*—The Auditor General stated that in this paragraph a sum of Rs. 9,58,000 was shown as the value of certain surplus obsolete and unserviceable stores. He desired that an analysis should be furnished showing how much of this represents surplus and how much

obsolete and unserviceable stores. As regards the remark of the Accountant General that the balance in stock was still on the high side, the Committee was informed that this was based on the assumption of the correctness of certain orders issued that only six months' stock should be maintained in the case of stores to be obtained from abroad, and two months' stock in the case of stores available locally. The adequacy of this amount of stock was at present under examination by the department.

23. The Committee then took up the memorandum on the system of apportionment between the constituent Branches of the Indian Posts and Telegraphs Department of receipts and expenditure which relate to more than one branch (Appendix XI). After some discussion it was agreed that the consideration of this memorandum should be postponed as some of the members desired to make a further study and obtain some further information. In this connection the Chairman raised the point whether it would not be possible to devise a simpler method of apportioning the cost which might be revised periodically. The Auditor General promised to consider the matter.

24. The Committee then took up the consideration of some of the items left over relating to the Finance Department. The Finance Secretary explained that the non-voted excesses in Grants 20—Stamps and 71—Currency and the large voted savings under Grant No. 93—Capital Outlay on Currency Note Press were due to a change in the method of accounting of the Currency Note and Security Printing Presses, orders about which were issued after the close of the year.

25. The Committee accepted the explanations given for the excesses under Grants Nos. 25 and 26.

26. The Committee then adjourned till 11 A.M. on Monday, the 2nd July 1934.

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### ANNEXURE A.

*(Vide paragraph 20 of these Proceedings.)*

**Memorandum on the Financial Position of the Indian Posts and Telegraphs Department, furnished by the Director-General, Posts and Telegraphs.**

**NOTE.—***Figures are in thousands of rupees.*

#### 1931-32.

1. The accounts for the year 1931-32 closed with a loss of 93,84, the expenditure charged to revenue being 11,58,44, while the revenue was only 10,64,60.

#### 1932-33.

2. The budget estimate for this year provided for a revenue of 11,50,73. As the year advanced it was found that the expectation of revenue was not likely to be realised and in the revised estimate the figure of 10,56,88 was adopted. The actual revenue of the department amounted to 10,55,40. The expenditure provided in the budget was 11,66,92, but the results from the economy campaign and the various decisions on the recommendations of the Posts and Telegraphs Accounts

Enquiry Committee enabled the provision for expenditure to be reduced in the revised estimate to 11,04,61. The actual expenditure charged to revenue including interest on capital outlay amounted to 10,97,29. The loss on the year's working, therefore, amounted to 41,89 as compared with 93,84 during the previous year. In spite of the enhanced postal and telegraph tariff the revenue continued to fall and but for the vigorous campaign of economy and retrenchments and the recommendations of the Accounts Enquiry Committee the loss would have been much greater.

#### 1933-34.

3. The budget estimates for 1933-34 provided for a revenue of 10,81,34, or an improvement of 25,94 over the actuals for 1932-33. Of this improvement 16,16 represented interest on the balance of the department's depreciation fund which is being operated on the straight line basis from 1933-34 in pursuance of the recommendation of the Posts and Telegraphs Accounts Enquiry Committee. This increase in revenue, however, is off-set by a corresponding increase in the annual contribution to the depreciation fund which amounted to 45,27 in the budget estimates for 1933-34 against 23,30 in the accounts for 1932-33. The real improvement in revenue estimated in the budget was thus 9,78. As the year advanced it became apparent that the expectation of increased revenue would not be realised in full and consequently in the revised estimate the lower figure of 10,75,34 was adopted.

4. The expenditure provided in the budget for 1933-34 was 11,38,54 or an increase of 41,25 over the actuals of 1932-33. This increase was due to the following causes :—

(a) the general rate of deduction from pay which was 10 per cent. on pay earned to the end of March 1933, was reduced to 5 per cent. This accounts for an increase of ..	27,50
(b) Increase in contribution to the depreciation fund, <i>vide</i> previous paragraph ..	21,97
(c) Annual increments in the pay of staff ..	16,20
(d) Increase in the interest charges on losses of the department .. .. .	6,52
Total ..	<u>72,19</u>

The gross increase under the above items comes to 72,19, but mainly due to counterbalancing economies, an increase of 41,25 only was provided for.

5. The budget estimates anticipated a loss of 57,20 on the year's working. As a result of continued efforts of economy it was possible to reduce the provision for expenditure in the revised estimates to 11,27,46 or a saving of 11,08. Appreciable as the saving was it was insufficient to cover the gap caused by decline in the revenue and it was anticipated in the revised budget that the department would be working at a loss of 51,72.

6. From the accounts up to March 1934 (preliminary) it is estimated that revenue is likely to be less by 1,40 than in the revised estimate and

a further saving of 90 is likely to occur on the expenditure side. The estimated loss of 51,72 referred to above is thus likely to be increased by 50 only.

*Prospects for 1934-35.*

7. The budget estimate for 1934-35 provides for a revenue of 10,71,26 or 4,48 less than the revised estimated revenue for 1933-34. The expenditure is estimated to be 10,85,73. The decrease in revenue is due to the estimated loss consequent on the reduction in postage and telegraph rates. The gross decrease in revenue due to these changes is estimated at 27,00 which is partly counterbalanced by an increase of 22,00 under other heads.

8. The total expenditure provides for a reduction of 41,73 as compared with the revised estimates for 1933-34. This reduction is made up as follows :—

- (a) Contribution to the depreciation fund. Since the organisation of the department on commercial lines the annual allocation for depreciation has been very much higher than the amount annually spent on renewals so that the balance to the credit of the depreciation fund has been mounting up rapidly. Pending a review of the provision under this head and having regard to the large balance in the fund the contribution to the depreciation fund during 1934-35 has been reduced to 8,72 being the amount estimated to be required for the actual renewal and reconstruction of assets. This accounts for a reduction of 35,00.
- (b) Increase in the credits received for services rendered to other departments 2,00.
- (c) Reduction in payments to retrenched personnel 10,00.
- (d) Economies and other items 7,00.

Total 54,00.

This is counterbalanced by a provision of 12,00 to meet charges on account of annual increments.

9. From the actual figures for revenue and expenditure for April 1934, and approximates for May 1934, available at the moment it is not possible to formulate any conclusions to justify a departure from these figures.

10. The revenue and loss on the working of the department as a whole has been as follows :

Year.	Revenue.	Loss.
1931-32 .. .. .	10,64,60	93,84
1932-33 .. .. .	10,55,40	41,89
1933-34 B. E. .. .. .	10,81,34	57,20
1933-34 R. E. .. .. .	10,75,34	51,72
1933-34 anticipated actuals .. .. .	10,74,94	52,22
1934-35 B. E. .. .. .	10,71,26	14,47

It will be seen from the above that every effort is being made to improve the financial position of the department. Unfortunately the revenue of

the department is not showing signs of recovery. On the expenditure side every effort is being made to reduce the cost of working. The pay of personnel which constitutes the great bulk of the expenditure in the department has always a tendency to increase owing to the annual increments. In spite of this tendency it has been possible to secure a definite reduction in the expenditure in the pay bill of the department. The figures given below will indicate the economies secured : -

			Actuals.	Additional savings from emergency deduction.	Total.	Yearly increase or decrease.
1924-25	..	..	..	..	6,12,00	..
1925-26	..	..	..	..	6,33,00	+21,00
1926-27	..	..	..	..	6,57,00	+24,00
1927-28	..	..	..	..	6,90,00	+33,00
1928-29	..	..	..	..	7,34,00	+44,00
1929-30	..	..	..	..	7,66,00	+32,00
1930-31	..	..	..	..	7,90,00	+24,00
1931-32	..	..	7,88,00	15,00	8,03,00	+13,00
1932-33	..	..	7,19,00	60,00	7,79,00	-24,00
1933-34 (up to preliminary).	March		7,26,00	32,50	7,58,50	-20,50

11. Efforts are being continued to secure further economies in the working of the department. The retrenchment concessions have been extended so far as the Posts and Telegraphs Department is concerned up to the 31st March 1935. The retrenchment of surplus staff is being carried out wherever justified and the policy of employing cheaper agencies wherever possible is being consistently pursued. The recommendations of the Telegraph Establishment Enquiry Committee are at present under the consideration of Government. A Postal Enquiry Committee has been appointed in order to examine and simplify the procedures in the post office and some economy may be anticipated as a result of the recommendations of this Committee. New reduced scales of pay for the non-gazetted subordinate staff of the department are expected to be introduced shortly. On the receipt side, attempts are being made to secure more revenue by a reduction in the telephone rates. Government have also under consideration the introduction of a new method of remittance in the form of Indian Postal Orders on the lines of British Postal Orders. The activities of the department are being advertised in the public press so as to attract more traffic. In order to ascertain whether it is really the high rates of postal and telegraph charges that are preventing an increase in traffic the rates have been reduced this year and the response of traffic to these reduced rates is being carefully watched. As already stated above, the figures for revenue and expenditure for April 1934, and approximates for May 1934, do not give sufficient indication to base any conclusions but the situation is being carefully watched and efforts will continue to be made to reduce expenditure and to secure an increase in revenue.

**ANNEXURE B.**

(Vide paragraph 21 of these Proceedings.)

**Memorandum on the accuracy of budgeting, efficiency of control over expenditure, stores balances, and incidence of the cost of establishment employed on works in the Posts and Telegraphs Department, furnished by the Director-General, Posts and Telegraphs.**

Attention is invited to paragraphs 50—54, 58, 59, 61 and 80 of the Report of the Accountant General, Posts and Telegraphs, on the Appropriation Accounts of the Posts and Telegraphs Department for the year 1932-33 dealing with the accuracy of budgeting, efficiency of control over expenditure and certain connected questions also referred to in paragraph 4 of the Auditor General's covering letter No. 91-Rep.]6-34, dated the 17th of April 1934 (Appendix IV). This memorandum has been drawn up to bring to the notice of the Public Accounts Committee the steps that have been either taken already or are contemplated to remedy the defects noticed and to effect improvements in the procedure concerning budgeting and control of expenditure. The full effect of the measures adopted will begin to appear from the accounts of 1934-35. Efforts are not being relaxed to effect further improvements in the light of experience.

2. Broadly speaking, the measures fall under the following heads :—

- (1) *Reconciliation of departmental figures for Postal fluctuating charges with those booked in the Audit Office.*—As a result of detailed examination the defects in procedure noticed during the last few years have been removed and provision is made to enable Heads of Circles to effect reconciliation by each subordinate controlling officer under his jurisdiction. Detailed instructions drawn up in collaboration with the Accountant General, Posts and Telegraphs, will issue shortly.
- (2) *Credits to Capital or working expenses from sale of assets.*—A revised procedure, devised in consultation with the Accountant-General, Posts and Telegraphs, to remove the basic defects responsible for the divergences between actuals and estimates under the heads "other credits" is being introduced.
- (3) *Control over re-appropriations.*—The centralised control by the Director General's office over re-appropriations is being relaxed to a large extent. The revised procedure mentioned in paragraph 60 of the above Report could only be partially introduced in 1933-34 and will be brought fully into force from 1934-35. This procedure will minimise variations between expenditure and final grants in respect of fluctuating expenditure.
- (4) *Credits for services rendered to other departments.*—Estimates under this head were hitherto based on actuals which are several months old. These estimates are now based on the latest figures regarding the number of transactions and prepared, where necessary, in consultation with the Finance Department, who are in a better position to anticipate the probable effects on Savings Bank and Cash Certificate

business of the issue and discharge of loans and the conditions ruling in the money market.

- (5) The existing methods of framing the budget and controlling the expenditure in workshops and the stores yard is under consideration and steps will be taken in the near future to effect necessary improvements. Considerable improvements are expected to be carried out during the current year as a result of the detailed examination of the existing methods in the Budget Section of the Director-General's office.

- (6) *Level of stores balances.*—The balance of stores on 31st March 1934 was as follows :—

	Rs.
(a) Mobilisation stores .. .. .	20,15,774
(b) Surplus, obsolete or unserviceable stores..	9,58,000
(c) General stores .. .. .	31,30,000

The balance of stores has been considerably reduced during the last few years and efforts are still being made to effect further reductions. The question of fixing more practical limits for maximum permissible stock of stores is under examination.

- (7) *Incidence of the cost of establishment employed on works.*—The various methods to determine a reliable ratio between cost of establishments in the Telegraph Branch of the Department and the cost of works expenditure tried hitherto having been found unsuitable, statistics were obtained last year by keeping certain works under observation and maintaining actual records. These unfortunately have not been found of much practical value and no reliable conclusions could be drawn therefrom. The matter is being further investigated and the results will be placed before the Public Accounts Committee in due course.

**Proceedings of the Fourth Meeting of the Public Accounts Committee held on Monday, the 2nd July 1934, at 11. A.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.

Mr. S. C. MITRA.

Mr. K. UPPI Saheb Bahadur.

Kunwer Hajee ISMAIEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Dr. R. D. DALAL.

*Members.*

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. M. BUTLER, Accountant General, Central Revenues.

Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.

*Were also present.*

The Hon'ble Mr. D. G. MITCHELL, Secretary,  
Department of Industries and Labour.  
Sir JAMES PITKEATHLY, Chief Controller, Indian  
Stores Department.  
Mr. C. M. TRIVEDI, Joint Secretary, Home Depart-  
ment.  
Mr. C. F. V. WILLIAMS, Deputy Secretary,  
Home Department.  
Rai Sahib BISHAN SWARUP from the Delhi Adminis-  
tration.

} *Witnesses.*

27. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Indian Stores Department.

28. *Voted excess.*—There was an excess of Rs. 83,153 on the voted Grant due to smaller recoveries of departmental charges owing to continued financial depression and downward trend of prices. The Auditor General informed the Committee that he had accepted the suggestion made to him that these recoveries which were not really expenditure incurred on behalf of other Governments or departments, but only a percentage of the value of stores purchased, should be shown as receipts and not as deductions from expenditure.

29. *Note 1 on page 175 of the Appropriation Accounts—Waiving of a recovery of Rs. 21,995 on account of charges for tensile and other tests.*—The Committee was informed that these charges were not recoverable in equity but owing to the defective wording of the schedule they were technically recoverable and that steps had since been taken to redraft the schedule.

30. In reply to a question from Mr. Das as to what progress had been made as regards the various Departments of the Government of India making greater use of the Indian Stores Department, the Committee was informed that the Railway Department was at present making greater use of the Indian Stores Department and that, as regards the Army Department, the matter was at present being examined by the Finance Secretary.

31. Mr. Das desired that in view of the large drop in the value of stores purchased from the Indian Stores Department, London, the question of reducing the strength of that Department and of making it a part of the Indian Stores Department in India should be considered.

32. The Committee then took up the examination of the Appropriation Accounts relating to the Reforms Office and the Home Department.

33. *Important comment on page 235 of the Appropriation Accounts—Theft of a cash box.*—The Finance Secretary agreed that the cashiers of Committees should always be persons in the permanent service of Government and that a standard set of self-contained instructions for the guidance of Committees and Commissions should be issued.

34. *Item 11 of the Quarterly List—Appendix I—Necessity for maintaining a dairy in the Andamans.*—The Committee was informed that it was not possible to close down the Dairy but strenuous efforts were being made to reduce the



loss. It was stated that a proposal was at present under consideration to depute one of the officers of the Military Dairy Farms in India to go into the question. In view of the small amount of loss in the working of the Dairy the Committee considered that it was unnecessary to incur the expense of deputing an officer to go into the question but that the Department should consider whether they could not make up the loss by slightly increasing the selling prices of the products of the Dairy.

35. *Posting of a trained Accounts officer to the Andamans to assist the Chief Commissioner.*—The Committee desired that the proposal which was held in abeyance for various reasons should be revived as soon as possible.

36. The Committee then took up the examination of the remaining items relating to the Finance Department.

37. *Treasury Defalcations.*—There was a serious increase in the number and amount of treasury defalcations dealt with in the report of the year and a common feature of all the cases was a laxity of supervision which facilitated the frauds. The Committee desired that the Government of India should press upon Provincial Governments the necessity of putting proper officers in charge of treasuries and seeing that there is proper supervision.

38. The Committee then adjourned till 2-30 P.M.

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**Proceedings of the Fifth Meeting of the Public Accounts Committee held on Monday, the 2nd July 1934, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman.*

Mr. T. N. RAMAKRISHNA REDDI.	} <i>Members.</i>
Mr. S. C. MITRA.	
Mr. K. UPPI Saheb Bahadur.	
Kunwer Hajee ISMAIEL ALIKHAN.	
Mr. B. DAS.	
Captain SHER MOHAMMAD KHAN.	
Dr. R. D. DALAL.	

Sir ERNEST BURDON, Auditor General.	} <i>Were also present.</i>
The Hon'ble Sir ALAN PARSONS, Finance Secretary.	
Mr. M. BUTLER, Accountant General, Central	
Revenues.	

Mr. H. A. F. METCALFE, Secretary, Foreign and Political Department.	} <i>Witnesses.</i>
Mr. V. NARAHARI RAO, Additional Deputy Secretary, Foreign and Political Department.	
Rai Bahadur CHUNI LAL, Financial Secretary, North-West Frontier Province.	
L. SUNDAR DAS, Financial Assistant, Baluchistan.	

39. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Foreign and Political Department.

40. *Creation of unauthorised excluded funds.*—The Auditor General brought to the notice of the Committee that certain unauthorised excluded funds were created by the local Administration without proper sanction. One such fund was the Khassadar's fund which was financed by money drawn from Government treasury on monthly

- (i) contingent bills at the rate of 1/12th of the annual provision made in the sanctioned budget on account of Khassadar contingencies, and
- (ii) establishment bills prepared on the basis of the sanctioned strength of the Khassadars irrespective of the fact whether the persons for whom pay was drawn were actually in Government service or not. Out of the amounts thus drawn and credited to the funds payments were made as and when occasion arose.

Another such fund is the motor lorry depreciation fund which was created by drawing from the treasury 25 per cent. of the estimate of the annual cost of upkeep and crediting it to the fund. The Committee after discussion came to the conclusion that these funds should be abolished immediately. They also considered it desirable that a list of all excluded funds maintained in the Province should be obtained as quickly as possible and an examination should be made to see whether all of them should not be abolished. The Auditor General also mentioned two other apparently legitimate funds, viz., the Scouts Fund and the Frontier Constabulary Fund, which he stated had been brought under his audit.

41. *Financial powers of His Excellency the Governor of North-West Frontier Province in respect of expenditure in Tribal areas.*—The Auditor General informed the Committee that one of the difficulties of the Comptroller, North-West Frontier Province, at present was that the powers of His Excellency the Governor in regard to expenditure on behalf of the Central Government had not been clearly defined and that it was necessary that definite rules should be laid down as quickly as possible. The Committee was informed that the matter was at present under the consideration of the Government of India and that orders were likely to issue shortly.

42. The Committee then took up the remaining items relating to the Finance Department.

43. The Committee accepted the explanations for the excesses under Grants Nos. 42, 74, 76-B and 96.

44. *Report on the working of the Provincial Loans Fund.*—The Auditor General mentioned that suspension of repayment of instalments of principal to the Fund by the Bombay Government in 1932-33 was not mentioned in the Report and desired that all such special features of the year should be included in the Report. The Finance Secretary agreed.

45. The Committee adjourned till 11 A.M., on Tuesday, the 3rd July 1934.

**Proceedings of the Sixth Meeting of the Public Accounts Committee held on  
Tuesday, the 3rd July 1934, at 11 A.M.**

**PRESENT :**

**The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.**

**Mr. T. N. RAMAKRISHNA REDDI.**

**Mr. K. UPPI Saheb Bahadur.**

**Kunwer Hajee ISMAIEL ALIKHAN.**

**Mr. B. DAS.**

**Captain SHER MOHAMMAD KHAN.**

**Maulvi Sir MOHAMMAD YAKUB.**

**Dr. R. D. DALAL.**

**Sir ERNEST BURDON, Auditor General.**

**The Hon'ble Sir ALAN PARSONS, Finance Secretary.**

**Mr. M. BUTLER, Accountant General, Central Revenues.**

**Mr. M. K. SEN GUPTA, Audit Officer, Indian Stores Department.**

*Members.*

*Were also  
present.*

**Mr. A. RAISMAN, Member, Central Board of Revenue.**

**Mr. W. W. NIND, Member, Central Board of Revenue.**

**Mr. F. C. KING, Commissioner, Northern India Salt Revenue.**

**Mr. N. R. PILLAI, Joint Secretary, Commerce Department.**

*Witnesses.*

46. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Commerce Department.

47. *The Bengal Pilot Service Widows and Family Pension Fund.*—The Auditor General brought to the special notice of the Committee the figures given in paragraph 208 of the Commercial Accounts which showed that during the last five years the expenditure on account of the Fund largely exceeded the receipts every year. Mr. Raisman explained to the Committee that in the case of a Family Pension Fund the receipts and disbursements of a few years were not a proper test but after close examination of the position the Commerce Department had come to the conclusion that the Fund was not sound from an actuarial point of view and it had therefore been decided that future recruits to the Bengal Pilot Service should not be eligible to subscribe to the Fund.

48. *Inadequate current control of expenditure in the Lighthouse Department.*—The Committee was informed that the question was under the consideration of the Commerce Department at present and that it was proposed to allow the Superintendents of Lighthouses to exercise some powers of reappropriation and also to amalgamate some of the unnecessary sub-heads. The matter would be settled in consultation with the Accountants General.

49. *Accounts of Government Commercial Concerns.*—In paragraph 5 of his letter the Auditor General has stated as follows :—

“I am especially struck on this occasion with the improvement which has been effected in the presentation of the accounts of Government Commercial concerns contained in the Accountant General, Central Revenues' Commercial Appendix to his Report. In

my opinion the financial reviews of the various accounting officers have, in general, now reached a higher standard than before, both in the fullness and the suitability of the information supplied; and the work of my auditors has thus been correspondingly simplified. I note also that in general, despite adverse circumstances, the financial administration of a number of the concerns has in the commercial sense been more successful than for some years past."

The Auditor General mentioned that the account of the Lighthouse Department was one of the accounts which was responsible for the above comment in his letter. In this connection the Auditor General raised the question whether in view of the considerable improvement in the commercial accounts presented to the Committee and in view of the fact that the Committee had before them at present figures of a number of years for purposes of comparison, advance reviews of the subsequent year based on unaudited figures should be continued. He expressed the opinion that these reviews should be discontinued as they were on the whole objectionable from the auditors' point of view, being based on unaudited figures. Any information which the Committee desired regarding the working of any particular commercial concern in the subsequent year could, if necessary, be obtained by the Committee during the course of the examination of the witnesses. The Committee agreed to the discontinuance of these advance reviews. The question of discontinuing the advance review in the case of Railways was reserved for separate consideration when the Railway accounts are taken up.

50. The Committee then took up the examination of the Appropriation Accounts and the connected documents relating to the Central Board of Revenue.

51. *New system of audit of Customs Revenue.*—The Committee was glad to note that the Central Board of Revenue has expressed its satisfaction of the smooth and harmonious working of the new system and its appreciation of the results achieved.

52. *Irregular Appropriations.*—A sum of Rs. 1,900 was reappropriated by a Collector of Customs from the sub-head "Pay of Officers" which required the previous approval of the Finance Department. The Committee was informed that this was done by the Collector under a misapprehension and that his attention had been drawn to it.

53. *Supply of Khewra salt for Bengal.*—In reply to a question by Mr. Das, the Committee was informed that a wagon of Khewra salt and one of Sambhar salt had been sent to the Bengal market as an experiment, but owing to the low prices of imported salt at present Khewra salt could not compete with the imported salt unless the former was sold at a price below cost.

54. *Large stock of salt at the Madras Depot.*—The Committee was informed that the question was at present being examined on the spot by one of the members of the Central Board.

55. *Large stocks of Malwa opium and increase in the cost of manufacture of provision opium.*—In view of the increasing stocks of Malwa opium the Committee desired\* to have an appreciation of the position as regards the stock of

Malwa opium and the production of opium in general, with particular reference to financial aspects and prospects. They desired\* to know *inter alia* why the cost of manufacture of provision opium had gone up in 1932-33 although the sales of provision opium to Foreign Governments were being reduced.

56. *Excess under refunds*.—The Committee was informed that till 1931 all the excise duty on kerosene and motor spirit made in Burma was actually paid in Burma and when shipments were made out of India the Collector of Customs instead of making a refund merely deducted the amount from the duty payable so that no provision used to be made under refunds. In 1931 the Government of India agreed to petrol and kerosene being shipped from Burma to ports like Bombay and Karachi in bond. When refunds were given at these ports they were actually paid in cash but intimation of these payments was received by the Collector of Customs after the close of the year. He could not therefore apply for additional funds.

57. The Committee then adjourned till 2-30† P.M.

## Report of the Public Accounts Committee on the Accounts of 1932-33.

### PART II—RAILWAY ACCOUNTS.

#### Position as regards estimating.

1. The following table compares the original estimates made before the beginning of the year, the revised estimates prepared near its end, and the actual results :

				(Lakhs of rupees.)		
				Budget.	Revised.	Actuals.
(1) Traffic receipts (less refunds)	..	..	..	89,00	86,50	85,62
(2) Miscellaneous receipts	..	..	..	1,10	1,07	1,03
(3) Working Expenses	..	..	..	62,70	62,85	62,85
(4) Miscellaneous Expenditure	..	..	..	47	47	47
(5) Surplus profits	..	..	..	80	65	65
(6) Interest charges	..	..	..	33,72	32,94	32,91
(7) Surplus (+) or deficit (—)	..	..	..	—7,59	—9,34	—10,23
(8) Contribution to general revenues	..	..	..	..	..	..
(9) Payment to (+) withdrawal from (—) Reserve	..	..	..	..	..	..
(10) Loans from the Depreciation Fund	..	..	..	7,59	9,34	10,23

2. The budget estimate for 1932-33 anticipated a net deficit of Rs. 7,59 lakhs which was increased to 9,34 lakhs in the revised estimate. The actuals proved to be still worse resulting in a deficit of Rs. 10,23 lakhs which was met by a loan from the Depreciation Fund. As in 1931-32, the prescribed contribution to general revenues could not be paid during the year under review. The deterioration as compared with the estimates was due to the continued economic depression, the low level of prices and the decreased spending power of the people. The figures in the above table show that while the receipts varied widely from the original estimates, the total expenditure, excluding interest but including all other expenditure, *i.e.*, ordinary working expenses depreciation, miscellaneous expenditure and surplus profits, was exactly the same in the budget, revised estimate and actuals

\* *vide* Appendix XIII.

† This meeting was held in connection with Railway Appropriation Accounts.

The draft Report of the Public Accounts Committee was adopted by the Committee at the meeting held on Saturday, the 18th August 1934, at 3 P.M.

## Position as regards control of expenditure.

3. The following table compares the final voted grants with the expenditure against those grants :—

				(Lakhs of rupees.)			
			Original grant.	Supple- mentary grant.	Final grant.	Actual expendi- ture.	Excess + Saving —
<i>Expenditure charged to Revenue.</i>							
1. Railway Board .. ..	..	7.75	40	8.15	7.95	—20	
2. Inspection .. ..	..	70	01	71	74	+03	
3. Audit .. ..	..	12.00	24	12.24	12.53	+29	
4. Working Expenses, Adminis- tration.		9,97.00	12.50	10,09.50	9,98.08	—11.42	
5. Repairs, maintenance and operation.		36,76.00	..	36,76.00	36,72.72	—3.28	
6. Payment of surplus profits ..	..	80.00	..	80.00	65.21	—14.79	
9. Appropriation to Deprecia- tion Fund.		13,25.00	6.00	13,31.00	13,33.16	+2.16	
11. Miscellaneous expenditure ..	..	6.50	..	6.50	3.82	—2.68	
14. Strategic lines .. ..	..	1,85.00	2.69	1,87.69	1,84.95	—2.74	
<i>Expenditure charged to Capital and Depreciation Fund.</i>							
7. New construction .. ..	..	1,00.60	..	1,00.60	55.59	—45.01	
8. Open line works .. ..	..	3,05.50	..	3,05.50	—25.10	—3,30.60	
10. Appropriation from Depre- ciation Fund.		13,18.79	1,75.37	14,94.16	16,57.64	+1,63.48	
15. Strategic lines capital .. ..	..	8.00	..	8.00	—22.60	—30.60	

4. The non-voted appropriations sanctioned by the Government of India and the expenditure against those appropriations are given below :—

				(Lakhs of rupees.)			
			Original appropriation.	Supple- mentary appropriation.	Final appropriation.	Actual expendi- ture.	Excess + Saving —
<i>Expenditure charged to Revenue.</i>							
1. Railway Board .. ..	..	..	4.25	—13	4.12	4.16	+04
2. Inspection .. ..	..	..	2.25	58	2.83	2.78	—05
3. Audit .. ..	..	..	4.45	40	4.85	4.89	+04
4. Working expenses, Adminis- tration.			94.00	8.18	1,02.18	1,01.20	—98
5. Repairs, Maintenance and Operation.			1.00	40	1.40	1.37	—03
11. Miscellaneous expenditure ..			8.50	89	9.39	9.51	+12
14. Strategic lines .. ..	..	..	4.50	84	5.34	5.48	+14
<i>Expenditure charged to Capital.</i>							
7. New construction .. ..	..	..	40	77	1.17	1.19	+02
8. Open line works .. ..	..	..	50	73	1.23	1.77	+54
15. Strategic lines .. ..	..	..	..	01	01	01	..
Discharge of Debentures .. ..	..	..	..	44.32	44.32	20.52	—23.80
Interest on Debt .. ..	..	..	32,33.43	72.83	31,60.60	31,56.94	3.66
Interest on Capital contributed by Companies.			1,38.21	4.51	1,33.70	1,33.58	—12

5. We give in paragraph 6 below the reasons for the excesses over voted grants Nos. 2, 3, 9 and 10 which require the vote of the Legislative Assembly. There were four excesses in the year under report against one and six in 1931-32 and 1930-31 respectively. The excesses over non-voted appropriations numbered six in 1932-33 against five in 1931-32 and four in 1930-31. The percentage of individual excesses, votable and non-votable, varied from .16 per cent to 4.24 per cent under heads of expenditure charged to Revenue and from 1.99 per cent to 43.52 per cent under heads of expenditure charged to Capital.

As regards savings, they varied from .09 per cent to 382.50 per cent under individual heads, the biggest savings occurring under the revenue grants 4 and 6 and the capital grants 7, 8 and 15. Taking the total railway expenditure both voted and non-voted, there was a saving of 37 lakhs or .38 per cent under expenditure charged to revenue and a saving of 2,66 lakhs or 13.6 per cent under capital expenditure. The position in this respect compares as follows with the last two years :—

*Expenditure charged to Revenue.*

(Excluding appropriations to and from the Reserve Fund.)

					(Lakhs of rupees.)		
Year.					Final grant and appropriation.	Savings.	Percentage of column (3) to column (2).
1					2	3	4
1930-31	..	..	..	..	1,05,11	—2,98	2.83
1931-32	..	..	..	..	1,01,38	—4,24	4.18
1932-33	..	..	..	..	97,36	—37	.38
<i>Expenditure charged to Capital.</i>							
1930-31	..	..	..	..	25,74	—1,14	4.39
1931-32	..	..	..	..	29,18	—4,95	16.96
1932-33	..	..	..	..	19,55	—2,66	13.60

We agree with the Auditor General that as the conditions of the year were abnormal—large departures from the budget programme were necessitated by financial difficulties—and as the demands for grants continued in the year in a form which has been condemned and has been superseded in 1934-35, no definite conclusions can be drawn from the results of the appropriation audit of the year. We are glad to note that in spite of these difficulties the Director of Railway Audit has not reported any important failure

**Excesses over voted grants.**

6. The excesses over voted grants which require to be regularised by excess votes of the Legislative Assembly are shown below :

Demand No.		Final grant.	Actual expenditure.	Excess.
		Rs.	Rs.	Rs.
2. Inspection	.. .. .	71,000	74,008	3,008
3. Audit	.. .. .	12,24,000	12,52,640	28,640
9. Appropriation to Depreciation Fund	.. .. .	13,31,00,000	13,33,15,627	2,15,627
10. Appropriation from Depreciation Fund	.. .. .	14,94,16,000	16,57,63,635	1,63,47,635

The excesses under demands Nos. 2 and 3 were mainly due to larger payments of gratuities and leave salaries. The expenditure under Demand No. 9 is not controllable and the excess is very small being less than one-sixth of 1 per cent. It is due to special difficulties met with in framing a proper estimate. The excess under Demand No. 10 was due to the fact that the actual works expenditure debitable to the Depreciation Fund and the temporary loan from the Fund to meet the deficit were more than anticipated.

#### **Reappropriations not made in accordance with prescribed rules.**

7. Under rule 52 (2) (ii) of the Indian Legislative Rules we are required to bring to the notice of the Legislative Assembly every reappropriation within a grant which is not in accordance with such rules as may be prescribed by the Finance Department. We give below the cases brought to our notice by the Director of Railway Audit :

- (1) On the South Indian Railway and the Great Indian Peninsula Railway certain reappropriations were sanctioned from the sub-head " Payment to the Income-tax Department " which required the previous approval of the Railway Board.
- 2) On the same two railways as well as on the Madras and Southern Mahratta Railway reappropriations were sanctioned from the sub-head " Track Renewals " which also required the previous approval of the Railway Board.
- (3) On the South Indian Railway a reappropriation was sanctioned to meet expenditure which had not been sanctioned by the Railway Board.
- (4) The Assam Bengal Railway, the Bengal Nagpur Railway, the Bengal and North-Western Railway, the Burma Railways, the Jodhpur Railway and the Madras and Southern Mahratta Railway assumed that certain authorisations of expenditure sanctioned by the Railway Board in excess of the allotment were actual additional allotments sanctioned by the Railway Board and made formal reappropriations which were irregular.

#### **Comments on matters arising out of the accounts for 1932-33.**

8. *Date of issue of the Financial Commissioner's Review.*—In paragraph 12 of the Report on the accounts for 1931-32, the Public Accounts Committee agreed that in view of the difficulties pointed out by the Financial Commissioner it was enough if his Review was ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts. The question has again been raised by the Auditor General in his letter on the Appropriation Accounts (Appendix I) where he says that " to promote materially the convenience and efficiency of the Public Accounts Committee " and in order to avoid overlapping it is absolutely necessary that the report of the Director of Railway Audit should be written only after the Financial Commissioner's Review is available to him. The Financial Commissioner agreed that he would try to give the Review to the Director of Railway Audit by the middle of April from next year.



In this connection the Auditor General raised the question whether the summary of the financial results and the provisional balance sheets of collieries of the succeeding year prepared by the Financial Commissioner for presentation to the Committee might not be discontinued, as they had fulfilled the purpose for which they were originally designed. We accept the Auditor General's proposal, but the Financial Commissioner should, while giving evidence before the Committee, be in a position to give the Committee any information which they might require regarding the results of the subsequent year.

9. *General question of the treatment of the Depreciation Fund.*—We were informed that there were two questions involved :

- (1) the allocation of expenditure to capital, Depreciation Fund and to revenue, and
- (2) the method of calculating the contribution to the Depreciation Fund.

We understand from the Financial Commissioner that no conclusion has yet been arrived at as regards the first question, but, as regards the second question, the present method, though theoretically probably justifiable, in practice it cannot be considered as leading to accurate results, and the time utilised for keeping up the registers, etc., appeared to be an absolute waste. Without entering into the question as to whether the present contribution to the Depreciation Fund is adequate or inadequate it has been suggested that the method of calculation should be simplified, and that it should be based, as recommended by the Auditor General two years ago, on the capital at charge of the Railways. We recommend that the proposal should be formally put to the Auditor General in writing as desired by him, and he should be given an opportunity of examining exactly what changes are involved and whether he could accept them, and if he is satisfied with the proposed change, effect should be given to it without further reference to the Public Accounts Committee ; but a report should be made to them.

10. *Allocation of expenditure on rolling stock on company-managed railways.*—A memorandum (Appendix IV) was circulated to us by the Railway Board, in which it has been explained that a draft convention on the subject was forwarded to all company-managed railways in June 1932 and that they were asked to obtain the concurrence of their Board of Directors, but most of the companies had not yet accepted it. We accept the Auditor General's suggestion that at the next annual meeting of the Agents the Railway Board should try and get as great a measure of agreement as possible, and if they fail, the Agents of company railways should be permitted to make their own proposals as regards allocation which the Government Examiner would examine, and if he thought that the proposed allocation did not satisfy the general conditions laid down by the Railway Board, the matter should be reported to the latter who would determine the question with reference to the contracts with the individual railways.

11. *New Service.*—We have carefully examined the two items of doubtful cases of new service mentioned in the memorandum furnished by the Auditor General, viz.,

- (1) construction of a ring bund at Damukdia, and
- (2) regarding the track of the Delhi Jumna Bridge on the North-Western Railway.

We consider that both the items should not be treated as items of new service.

In this connection the Auditor General raised the question whether the practice of furnishing the Committee with a memorandum of doubtful cases of new service, which was initiated in order to build up a certain amount of case law, need not be discontinued. He informed us that all his principal Auditors throughout India had most meticulous instructions as to how to identify cases of new service and if the accounts of any year included items of new service, which were undertaken without obtaining a specific vote from the legislature, such items would in the ordinary course be included in the Audit Report. In the circumstances, we agree to the discontinuance of a separate memorandum on the subject.

12. We append to our report minutes of the proceedings, which we consider should be treated as part of the report. We assume that, in accordance with the established practice, action will be taken by the department as necessary on the observations and recommendations contained in these proceedings.

P. J. GRIGG.

M. C. RAJAH.

T. N. RAMAKRISHNA REDDI.

S. C. MITRA.

K. UPPI.

ISMAIEL ALIKHAN.

B. DAS.

SHER MOHD. KHAN.

R. D. DALAL.

K. SANJIVA ROW,

*Dated the 20th August, 1934.*

## PROCEEDINGS OF THE COMMITTEE.

**Proceedings of the Eighth\* Meeting of the Public Accounts Committee held on Wednesday, the 4th July 1934, at 11 A.M.**

### PRESENT :

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI SAHEB Bahadur.

KUNWER HAJEE ISMAIEL ALIKHAN.

Mr. B. DAS.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

} *Members.*

\* The first six Meetings were held in connection with the Appropriation Accounts relating to Civil, Military and Posts and Telegraphs. At the Seventh Meeting held on Tuesday, the 3rd July, at 2-30 P.M., the draft Report on the Accounts of 1931-32, Part II (Railways), was adopted by the Committee.

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. T. K. RAJAGOPALAN, Director of Railway Audit.

} Were also present.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board.

} Witnesses.

Mr. B. N. MITRA, Controller of Railway Accounts.

1. The Committee took up the examination of the Appropriation Accounts and connected documents relating to the Railway Department.

2. *Date of issue of Financial Commissioner's Review.*—The question of the date of issue of the Review by the Financial Commissioner was considered by the Committee last year when, in view of the difficulties explained by the Financial Commissioner, the Committee agreed that it would be enough if the Review was ready in time for consideration by the Auditor General before he wrote his letter on the Appropriation Accounts. The question was again raised by the Auditor General this year and for the reasons given by him in paragraphs 3 and 4 of his letter (*Appendix I*) he considers that it is absolutely necessary that the Report of the Director of Railway Audit should be written only after the Financial Commissioner's Review is available to him. The Financial Commissioner agreed that he would try to give the Review to the Director of Railway Audit by the middle of April from next year. The Committee also agreed to the suggestion of the Auditor General that the summary of the financial results and the provisional balance sheets of collieries of the succeeding year need not in future be prepared by the Financial Commissioner for presentation to the Committee as they have fulfilled the purpose for which they were originally designed, but the Financial Commissioner should, while giving his evidence, be in a position to give the Committee any information which they might require regarding the results of the subsequent year.

3. *Paragraphs 95 and 96 of the Financial Commissioner's Review—Excesses requiring regularisation.*—The Committee accepted the explanations for the voted excesses in Grants Nos. 2, 3, 9 and 10 and non-voted excesses in Grants Nos. 1, 3, 7, 8, 11 and 14.

4. *Irregular Re-appropriations.*—The Committee went through the irregular re-appropriations mentioned in paragraph 28 of the Report of the Director of Railway Audit and came to the conclusion that none of them was important from the point of view of the Committee.

5. *Paragraph 5 (2) of the Auditor General's letter—General question of the treatment of Depreciation Fund.*—The Committee was informed that there were two questions involved (1) the allocation between the Depreciation Fund and capital in the case of renewals and replacements, and (2) the exact method of calculating the contribution to the Depreciation Fund. No conclusion had yet been arrived at as regards the first question, but, as regards the second question, the Financial Commissioner explained that the present method, though theoretically probably justifiable, in practice could not be considered

as leading to accurate results and the time utilised for keeping up the registers, etc., appeared to be an absolute waste. Without entering into the question as to whether the present contribution to the Depreciation Fund was adequate or inadequate it was suggested that the method of calculation should be simplified and that it should be based, as recommended by the Auditor General two years ago, on the capital at charge of the Railways. The Auditor General desired that the proposal, which he heard for the first time in the Committee, should be formally put to him in writing and that he should be given an opportunity of examining, in consultation with the Director of Railway Audit and the Controller of Railway Accounts, exactly what changes are going to be involved and whether he could conscientiously accept them as Auditor General. The Committee after considerable discussion agreed that if the Auditor General was satisfied with the proposed change, effect should be given to it without further reference to the Committee, but that a report should be made to them.

6. *Paragraph 5 (3) of the Auditor General's letter—Allocation of expenditure on rolling stock on Company-managed Railways.*—A memorandum (*Appendix IV*) was circulated to the Committee by the Railway Board in which it was explained that a draft convention on the subject was forwarded to all Company-managed Railways in June 1932 and that they were asked to obtain the concurrence of their Board of Directors but most of the Companies had not yet agreed to it. The Auditor General suggested that, at the next annual meeting of the Agents, the Railway Board should try and get as great a measure of agreement as possible and if they failed, the Agents of Company-managed Railways might be permitted to make their own proposals as regards allocation, which the Government Examiner would examine, and, if he thought that the proposed allocation did not satisfy the general conditions laid down by the Railway Board, the matter should be reported to the latter who would determine the question with reference to the contracts of individual Railways.

7. The Committee then adjourned till 2-30 P.M.

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**Proceedings of the Ninth Meeting of the Public Accounts Committee held on Wednesday, the 4th July 1934, at 2-30 P.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI Saheb Bahadur.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

} *Members.*

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. T. K. RAJAGOPALAN, Director of Railway Audit.

} *Were also present.*

Sir GUTHRIE RUSSELL, Chief Commissioner of Railways.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board.

Mr. B. N. MITRA, Controller of Railway Accounts.

} *Witnesses.*

8. *Paragraph 5 (4) of the Auditor General's letter—Question of productivity of Railway expenditure and the comparison of the financial results actually achieved with those anticipated.*—The Committee was informed that (1) the Railway Board, after discussion with Agents, have instructed them that tests to judge the productivity of capital expenditure should be applied to projects undertaken with the object of increasing earnings or reducing expenditure and that the duty of making these tests could be entrusted, under the general direction of the Agent, to the Accounts Department of the Railway which would work in consultation with other Departments of the Railway, (2) they have asked Railways to lay down definite principles as far as possible regarding the method to be employed in carrying out such tests and also in regard to the form in which schemes should be prepared so that the various items of expenditure thereon could be readily decided as to their productivity and (3) they have also circulated to Railway Administrations certain information in regard to the method adopted on the London Midland and Scottish Railway of testing the results obtained from capital expenditure on new works.

9. *Paragraph 5 (5) of the Auditor General's letter.*—The Committee agreed with the Financial Commissioner that the suggestion of the Director of Railway Audit that certain items of capital represented by assets not in use or by no tangible assets should be written off was hardly a practical proposition. The Committee was also of opinion that there was no point in writing off some of the items which had become valueless if simultaneously those assets, which had become more valuable, were not written up.

10. *Paragraph 5 (6) of the Auditor General's letter and paragraph 160 of the Report of the Director of Railway Audit—Apparent delay in the reduction of schedule of rates on the Eastern Bengal Railway.*—The Chief Commissioner explained that the changing of rates was a very complicated matter and a period of six months did not appear to him to be unreasonably long.

11. *Paragraph 5 (7) of the Auditor General's letter and paragraph 161 of the Report of the Director of Railway Audit—Apparently excessive rates paid for paint work on the Eastern Bengal Railway.*—The Chief Commissioner informed the Committee that no comparison could be made between the two rates as they were for two entirely different kinds of work. It was purely a matter of opinion as to which kind of work was cheaper in the long run.

12. *Paragraph 5 (8) of the Auditor General's letter and paragraph 162 of the Report of the Director of Railway Audit.*—The Committee was informed that in this case there was no modification of the terms of the contract but only in the original tender terms. The original tender documents specified English cement to be supplied by the Railway at a certain price but on a representation from the contractor he was allowed to use Indian cement. It was admitted that the contractor gained by the concession but contended

that, even so, the contract as a whole was an advantageous one from the point of view of Government. The position has been fully explained in the memorandum furnished to the Committee by the Railway Board (*Appendix V*).

13. *Paragraph 5 (12) of the Auditor General's letter and paragraph 211 of the Report of Director of Railway Audit.*—The Financial Commissioner agreed to exhibit separately in the Appropriation Accounts figures for ordinary stores, stores for special works and surplus stores, as desired by the Auditor General.

14. *Paragraph 5 (13) of the Auditor General's letter and paragraphs 244 and 250 of the Report of Director of Railway Audit—Overpayments to establishment.*—The Committee was informed that the Railway Board had issued instructions impressing on all Railway Administrations the necessity of taking special care to see that the orders issued from time to time were properly studied and correctly applied by the staff concerned.

15. *New Service.*—The Committee then took up the Memorandum (*Appendix II*) of doubtful cases of "new service" appearing in the accounts for 1932-33, furnished by the Auditor General. After considerable discussion the Committee came to the conclusion that the two items mentioned in the Memorandum, *viz.*, (1) construction of a ring bund at Damukdia and (2) regirdering the track of the Delhi Jumna Bridge on the North Western Railway were not items of new service. The Auditor General then raised the question whether the practice of furnishing the Committee with a Memorandum of doubtful cases of new service, which was initiated in order to build up a certain amount of case law, should not be discontinued. He informed the Committee that all his principal Auditors throughout India had most meticulous instructions as to how to identify cases of new service and if the accounts of any year included items of new service, which was undertaken without obtaining a specific vote from the legislature, such items would in the ordinary course be included in the Audit Reports. In the circumstances, the Committee agreed to the discontinuance of a separate memorandum on the subject.

16. The Committee then adjourned till 11 A.M. on Thursday, the 5th July 1934.

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**Proceedings of the Tenth Meeting of the Public Accounts Committee held on Thursday, the 5th July 1934, at 11 A.M.**

**PRESENT :**

The Hon'ble Sir JAMES GRIGG, Finance Member, *Chairman*.

Rao Bahadur M. C. RAJAH.

Mr. T. N. RAMAKRISHNA REDDI.

Mr. K. UPPI Saheb Bahadur.

Kunwer HAJI ISMAEL ALIKHAN.

Mr. B. DAS.

Captain SHER MOHAMMAD KHAN.

Maulvi Sir MOHAMMAD YAKUB.

Dr. R. D. DALAL.

} *Members.*

Sir ERNEST BURDON, Auditor General.

The Hon'ble Sir ALAN PARSONS, Finance Secretary.

Mr. T. K. RAJAGOPALAN, Director of Railway Audit.

} Were also present.

Sir GUTHRIE RUSSELL, Chief Commissioner of Railways.

Mr. P. R. RAU, Financial Commissioner, Railways.

Mr. T. S. SANKARA AIYAR, Director of Finance, Railway Board.

Mr. B. N. MITRA, Controller of Railway Accounts.

} Witnesses.

17. *Memorandum on the Financial Results of the Bombay Electrification Schemes.*—The Committee after considerable discussion came to the conclusion that in view of the present depression no definite conclusions could be drawn but noted that at present the percentage of net savings on the G. I. P. Railway did not cover the interest charges on the net capital outlay, but that in the case of the B. B. and C. I. Railway the net savings were more than the interest charges on the net capital outlay. They desired that the figures in the Memorandum (*Appendix XII to P. A. C.'s Report for 1931-32, Part II*) should be revised every year and placed before the Committee at least for the next two or three years.

18. Mr. Das desired that the statistics at present given in Appendix C to the Summary of the Results of working of Indian Railways for 1933-34, which would be discontinued from next year, should be included in the Financial Commissioner's Review.

19. The Committee then discussed with the Chief Commissioner the Administration of Railways in general and some of the recommendations of the Pope Committee.

20. The Committee agreed to the suggestion of the Finance Secretary that the Appropriation Accounts of individual Railways need not in future be printed and circulated to the members of the Committee.

21. The Committee then adjourned and decided to meet some time during the session of the legislature to consider the draft report of the Military Accounts Committee and the draft report of the Public Accounts Committee\*.

### THE INDIAN IRON AND STEEL DUTIES BILL.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The House will now resume consideration of the Indian Iron and Steel Duties Bill. It will be perhaps convenient if the House first takes up clause 4 which levies an excise duty on steel. Clause 2 gives power for imposing an additional duty and clause 3 simply relates to the Schedule. Therefore, if the Honourable the Commerce Member has no objection, clause 4 may be taken up first.

**The Honourable Sir Joseph Bhore** (Member for Commerce and Railways) : I have no objection, Sir.

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\* The draft Reports of the Military Accounts Committee and the Public Accounts Committee were adopted by the latter at its meeting held on Saturday, the 18th August 1934, at 3 P.M.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Has the Leader of the Opposition any objection ?

**Sir Abdur Rahim** (Calcutta and Suburbs : Muhammadan Urban) : I have no objection.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 4 stand part of the Bill.”

**Dr. Ziauddin Ahmad.** Amendment No. 10.

**Mr. Sitakanta Mahapatra** (Orissa Division : Non-Muhammadan) : May I just raise a point, Sir ? In the Select Committee, we took up first the Schedule and then clause 4, because the general opinion in the Committee was that after discussing the Schedule they would be able to know what would be the loss to the Government revenue and then we could settle what should be the incidence of duty.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Schedule contains duties to offset the excise duty, and unless the House takes a decision whether there should be an excise duty or not, there is no point in taking up the Schedule.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I beg to move :

“ That clause 4 of the Bill be omitted and the subsequent clauses be re-numbered accordingly and consequential amendments be made in the Bill as well as in the Schedule.”

My intention in moving this amendment is that there should be no confusion between the revenue duties and the protective duties. We should consider the protection business as a distinct proposition and quite apart from the revenue duty which is levied for revenue purposes. There ought to be an entirely separate Bill for the revenue duty and we should consider the position from the revenue point of view alone. In this Bill there has been a great deal of confusion by mixing the revenue and protection together. We know very well that the revenue duty can be utilised for the purpose of protection as well. Therefore, in the first instance, we give a full protection duty and then we put down a revenue duty for revenue purposes alone, and this, to my mind, leads to a confusion. We should take up the question of protection by itself and see what protection we are prepared to give to this industry. If, after giving the protection, the Finance Member is of opinion that for general expenditure some revenue should be collected from this particular source, then let him come forward with a separate Bill and propose this revenue duty. The usual time for a revenue duty is the 28th of February and I think we are now departing from the well-established principle by putting this revenue duty at all times of the year. Therefore, my submission is that we should remove the question of revenue duty from this Bill altogether and consider it in a distinct and separate Bill and then probably the Finance Member will be able to show why he needs that money. For that Bill the Finance Member alone should be responsible and not the Commerce Member. He should lay before us an estimate



[Dr. Ziauddin Ahmad.]

of expenditure and also an estimate of income and he should show that so much money is absolutely necessary in order to meet the expenditure and such and such revenue duty is essential. That is a thing which we ought to consider. Here we have come to the process of protection. We know that this House cannot refuse protection to the steel industry and Government have taken advantage of this fact by mixing up with it a new Bill which is entirely for revenue purposes and I think this is not justifiable. I do not wish to argue at the present moment on the intrinsic value of the proposition whether the excise duty of rupees four per ton is or is not necessary for revenue purposes. That is a point which we can consider separately. But I do object and object very strongly that we ought not to mix in this particular Bill the protection and the revenue duties together. We should first of all consider and decide definitely what protection we should give to the steel industry. It is a proposition by itself. If, after giving this protection, the Finance Member thinks that a duty should be levied for revenue purposes, then let him come forward with some definite proposition separately and then we will consider that proposition on its merits as to whether the country needs it and whether an additional taxation on the consumers of this country for revenue purposes is justifiable. It is essential that such duties should be both on home products and on imports. But, in the present instance, all the responsibility of the Finance Member has been shoved on the Commerce Member and no case has been made out that this additional duty is required. Therefore, I should have very much liked that this revenue duty should be levied in a separate Bill so that we may be justified in levying a new duty on the imports and a corresponding excise duty on the articles manufactured in this country. That would really be the right way of doing things, but as the Government was in a great hurry they had absolutely no time to swallow and digest all the facts, and that is evident from the manner in which proposals have been rushed through. It is also clear from the fact that they never examined even the balance-sheet of the Tata Company for this protection and it is also evident from the fact that they have not succeeded in laying even before the Select Committee the volume of evidence on which the Tariff Board has come to this conclusion. They are hurrying this measure very much. Sir, it would have been very much better if they had continued the operation of the old Act for another six months as they did last time in 1933. In this way they would have got time to digest the whole thing and then they would have been in a better position to come before the Assembly with some definite conclusions. They could then have come before us with two Bills—one providing for protection and the other levying duties for revenue purposes. With these words, Sir, I beg to move my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) :  
Amendment moved :

“ That clause 4 of the Bill be omitted and the subsequent clauses be re-numbered accordingly and consequential amendments be made in the Bill as well as in the Schedule.”

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, as one who has given notice of a similar amendment, I have great pleasure in supporting the amendment moved by

my Honourable friend, Dr. Ziauddin Ahmad. Sir, I entirely agree with the remarks made by my Honourable friend on the question that, on principle, the Government ought not to introduce the excise duty in a protection Bill. It is entirely a finance measure and it must come only in the shape of a Finance Bill. Sir, I also support the amendment on the merits of the proposal itself. The object of the Government is to levy an excise duty on steel ingots made in this country. Steel ingots is a raw product for the manufacture of so many other articles of iron and steel. So, even according to the Fiscal Commission recommendation, raw products ought not to be taxed with excise duty. It is really a hurdle for the Indian industry to develop and to compete with other foreign industries. It cannot be said that there is over-production of this particular item of product. The excise duty can be justified only when there is over-production of a particular product or when there the industry brings excess profits. The other day, the House passed a measure for excise duty on sugar on the consideration that there was over-production of sugar in a short time, and also that large profits were being made by the industry and also because of the special consideration that 25 per cent. surcharge over and above the protection duty was imposed. The Government got back by way of excise duty the excess of protection that is given under the surcharge over the protective duty recommended by the Tariff Board. That is all what was meant by the sugar excise duty. But here no such considerations prevail. The industry is in a nascent condition and there is not over-production nor over-profitteering nor is the particular item a thing which ought to be prohibited. The Government might say that they have got proposed countervailing import duties to off-set this extra amount of burden. But that countervailing duty according to the Bill as drafted—I am not talking of what the Bill will be after it has been amended—this countervailing duty does not affect the most important articles, the imported articles such as galvanized sheets and structurals. This will not affect these things at all. For all these reasons, I have great pleasure in supporting this amendment that the excise duty ought to be removed from the Bill.

**Raja Bahadur G. Krishnamachariar** (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir I had also tabled an amendment similar to the one moved by my Honourable friend, Dr. Ziauddin Ahmad, and I, therefore, heartily support this amendment. The reason assigned for the imposition of this excise duty is that there is a loss of revenue consequent upon the adoption of the proposals contained in the Tariff Board report and that revenue must be made up somehow or other and the excise duty is the only way of doing it. I say the only way of doing it, because the Honourable the Finance Member the other day said that this excise duty forms a vital part of this Bill which, interpreted by the Honourable the Leader of the Opposition, was that, if this excise duty is not passed by this House, the Bill itself will be dropped. The first and the most important thing is how much revenue has been lost which they want to make up by means of this excise duty. So far as I remember, the Tariff Board reported that the deficiency will be 60 lakhs. But the Finance Department has reduced it to 30 lakhs. How much is the actual loss no one knows except the *ipse dixit* of these two bodies. Where are the materials upon which they have come to this conclusion that the loss caused by the proposals in the Tariff Board report would be 30 lakhs and would not be 10 lakhs or would not be

[Raja Bahadur G. Krishnamachariar.]

anything less than that, so that the incidence of the excise duty may be determined with reference to the actual amount that is required to be made up. Ordinarily excise duties and other duties of this sort should have been made in the course of the Budget proposals, but in this case no doubt there is a special circumstance, because this thing did not come into existence at the time when the Budget was presented. The difficulty is this. At present you have no idea of the whole picture and of the resources and of the demands made upon the revenues of the Government of India in order to be able to conclude as to whether this excise duty is temporarily required, and, if so, what should be the rate at which that duty should be levied. It has been said—and I do not want to repeat it—that there are no materials upon which we should go on ; my Honourable friend, the Member in charge of the Bill, said that this duty will not be continued for one day longer than is absolutely necessary and until the resources of the Government of India allow the abolition of this duty. Sir, I do not know when the Government of India resources are going to allow the abolition of this duty, but I know this, that once a duty is imposed some how or other, that duty is never wiped out. I have lived long enough to remember the first initiation of the Income-tax Act during the Viceroyalty of Lord Dufferin when it was stated that the income-tax was imposed in order to make up for the deficit caused by the Burmese War and we have travelled a long way out of that. I can well remember when I was in college, Lord Dufferin visited Trichinopoly and triumphal arches with the slogan “ cannot income-tax be abolished ” greeted him all along the route from Trichinopoly to Srirangam. That was in 1887 or 1888 and today we are in 1934, only four years more to make up half a century. What is the result ? Time after time, the Income-tax Act was revised and the chord was drawn tighter and tighter round the neck of the Indian people, and whenever the Government wanted funds they thought that this two thousand limit was too high, and, therefore, they said that we will have one thousand. I know at one time we had the limit up to Rs. 500 and it was a mercy that it was raised to Rs. 2,000. Now, again, it has come to Rs. 1,000. The surtax and all those adjuncts of the income-tax, together with the extraordinary procedure adopted by the Income-tax Act, we have now experienced. We all know that once an Income-tax Officer imposes a duty, there is absolutely no power on earth which would help the assessee to get out of the grip of the assessment. That is the way in which the promise of Government that it shall not continue one day longer than is absolutely necessary is actually fulfilled. I do not say there is any wrong intention in that. I do not say that the Government wilfully make a false statement or a statement which they knew could not be fulfilled. What I do say is a fact which is patent in the annals of the tax-imposing history and record of the Government of India. Where is there any guarantee that this excise duty will be abolished even if the resources of the Government of India happen to clear up on one side. Sir, the Government of India’s resources are perpetually on the wrong side. (Hear, hear.) Sir George Schuster, in one of his speeches, I think it was the Budget speech, said referring to the return of prosperity to this country that we have turned round the corner. I am afraid we have not turned round the corner. I am afraid we are now looking towards the corner and trying to look round the corner and I do not think we have defi-

nitely turned, and, so far as circumstances go, I do not want to be a prophet, unless you know the whole thing you cannot judge of the future from the existing circumstances and conditions. There is absolutely no chance for this duty being wiped at least for the next 18 months, and, after that, we do not know what will happen? "Sufficient unto the day is the evil thereof". I would, therefore, respectfully submit that until this House is satisfied that they want this excise duty by reason of the fall in the revenue, until all the materials are placed before us and until this House is in a position to determine for itself that such a thing is absolutely necessary, it is not right, and I will ask this House not to accede to the proposals made by Government.

Sir, I heard that during the discussions in the Select Committee in order to determine whether it is necessary to impose this excise duty or not, they first looked up the Schedules and tried to find out if they could not scrape off a few lakhs of rupees in order at least to reduce the incidence of this excise if they could not completely wipe it out. I do not know what happened; it is not possible for me to know what items of the Schedule were examined and what is the result of the whole thing. The fact is that they had made up their minds to say that if this excise duty were not agreed to, the protection would not be given. That is not the way to treat this House. You must tell us why you want this and what attempts you have made in order to recoup your revenue by other means before you impose fresh taxation. That procedure has not been followed, and I say that in the absence of that procedure or in the absence of any information regarding the same, I respectfully submit that this excise duty ought to go out of this Bill, and I ask the House to reject this proposal.

**Mr. Jagan Nath Aggarwal** (Jullundur Division : Non-Muhammadan) : Sir, I have great pleasure in supporting this amendment. In fact, Sir, one feels that we are having excise after excise and that has become the order of the day. We had an excise on sugar, we had an excise on matches, we had an excise on mechanical lighters and now we have an excise on steel. One has to examine the justification for this measure. The odd combination which this Bill presents to the House is at once apparent. On the one hand it is said that this iron and steel industry is such a national concern that we must protect it from cheap goods from outside and that we must see to it that this industry is allowed to grow up for the benefit of the country at large. Well, Sir, protection in a fairly large measure has been granted to the iron and steel industry during the last six or seven years, and we propose to continue that protection for the next few years to come. Then, Sir, what is the justification of the excise? Excise is, so to say, levied on the products of this very concern for whom the taxpayer is asked to pay as a measure of protection a good deal of bounty. The two are, from my way of looking at it, inconsistent. If the thing is worth protecting and you erect a tariff wall for its protection, there should be some point in levying an excise on this very concern. There can be three alternatives. You might say you levy an excise because protection has led to profiteering. From the report of the Tariff Board and other material available to us,—and I suppose my Honourable friend, Mr. Mody, will be able to say whether they are busy in profiteering or they are only getting on,—it is not because of profiteering that this excise is levied. Then, Sir, the two other alternatives are either political considerations or the de-

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mands of the revenue. So far as the demands of the revenue are concerned, the resources of the Government of India and the various directions in which they can expand are so many and so various that this little impost of a sum of 30 lakhs of rupees is certainly not one of those important avenues for raising revenue which would be looked to for filling any gaps in the revenues of the Government of India. All that one can say is that this excise has been put in as a countervailing duty to the impost of ten per cent. on British steel. Well, Sir, it reminds me of a long forgotten duty, the countervailing excise duty on textiles. In the early nineties when that countervailing excise duty on Indian made cloth was levied, it was the result of a duty levied on British cotton goods imported into this country. The argument was like this. Ordinarily cotton goods are entitled to come into this country duty free. If you are going to levy a duty on British goods, you should not leave the Indian mills free to make money in this country, regardless of the fact that Indian mills exist for India and other mills do not exist for India. Well, Sir, this argument appealed, and since Lancashire had the ear of the Secretary of State in the matter of directing operations from abroad, that duty remained, much against the wishes of the Indian people, till ultimately when the mill industry was in a very sad plight, that duty was removed.

**Diwan Bahadur A. Ramaswami Mudaliar** (Madras city : Non-Muhamadan Urban) : And that is now coming back.

**Mr. Jagan Nath Aggarwal** : As a result of the Round Table Conference or what ? Anyway, Sir, whether it is coming back or not we shall see ; in fact it is a part of the system of excise duties that are coming up every day. But one would like to see the justification for this measure. I would say that it is an odd combination of putting in excise and putting in protection at the same time ; and all that the Select Committee has been able to do is to tinker with the position, because it had been made fairly clear that if you want protection you shall have to swallow the excise. If that is so, all that we can do is to register our protest against this inequitable impost and we say that no occasion has arisen for levying this excise duty, and the juxtaposition of these two duties in this Bill is very unfair.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : Sir, there is just one remark that fell from my Honourable friend, Dr. Ziauddin, with which I am not in complete agreement, and that was when he said that this Bill has been considered in haste and was hurried through this House. Perhaps the Honourable Member, Dr. Ziauddin.....

**Dr. Ziauddin Ahmad** : I am sorry, but I never said it was hurried by this House ; I said it was hurried by Government themselves without giving us the necessary material.

**Sir Cowasji Jehangir** : My Honourable friend, Dr. Ziauddin, will remember that Government extended the present Act to enable them to consider their proposals with the greatest care and the greatest precision. Therefore, I do not think it is possible to either accuse Government or the Select Committee or anybody of undue haste. It was refreshing to find another Honourable Member who supported this amendment informing the House that there was no profiteering with regard to

the Steel Company. My Honourable friend, Dr. Ziauddin, who occupied over 50 minutes yesterday, tried to make out that there were invisible profits which were only visible to himself but, I am glad to find, are not visible to other Members. But there is just one point about this excise duty which I should like to emphasise. A great deal has been said in this House about the burden on the consumer. When an industry is protected necessarily some burden does fall upon the consumer and the consumer and the country are prepared to bear that burden in the hope of getting a handsome return in the future in more than one direction. As regards the excise duty, this burden has been increased not for the purpose of protecting the industry : the public must clearly understand that. I hope that there will be nobody in this House or in the country at large who believes that the price they will have to pay for their steel in India in future is necessary in order to protect the steel industry. Government found that protection to the steel industry in the past was a gold mine for themselves, and not desiring to lose that gold mine when lesser protection was required, they have found ways and means of increasing the burden on the consumer for their own purposes ; and, therefore, when the people of this country in the future will be called upon to bear certain burdens, let them clearly understand that the whole burden is not paid for the protection of the industry. A part is paid for the protection of the industry and a part is paid to increase the revenues of this country. That is a point which must be made perfectly clear in this House and to the public at large. I do not want to go into the question of this excise duty on its merits. I understand that a large majority of the Select Committee agreed to this excise duty as a compromise (*An Honourable Member* : "Not a large majority"), and I am prepared to stand by any compromise that my friends may have made in the Select Committee. I must state that I am connected with the Steel Company, I am one of those unfortunate beings whom my Honourable friend, the Doctor, damned yesterday—I am a shareholder,—I am prepared, as far as I am concerned, to stand by any compromise which the Select Committee may have arrived at, and, therefore, personally I am not going into the question of this excise duty on its merits. But I will repeat that the House and the public must clearly understand that the price they will pay for steel in future will not be due only on account of protection.

My Honourable friend, the Doctor, who always studies questions that come before this House with great care, is sometimes given to postponing the study of those questions till the night before, when with his usual energy he burns the midnight oil and comes forth the next morning having had a sleepless night, with figures galore and with facts, may I state, sometimes rather confused. He will excuse me if I tell him that these questions require a little deeper study, and even a mathematician of his standing and reputation requires a little more than twelve hours to study the whole question, and, therefore, during the remaining part of the debate on this Bill, I trust the Doctor will spare us facts and figures : he has given us ample facts and figures, and I hope he will spare us any more.

**Mr. Vidya Sagar Pandya** (Madras : Indian Commerce) : Sir, the question has been raised whether it is proper to put excise duty in a Bill for protection. My friend, the Honourable Dr. Ziauddin Ahmad,

[Mr. Vidya Sagar Pandya.]

says that, if this had come after protection had been granted, probably he would have agreed to the excise duty....

**Dr. Ziauddin Ahmad :** No, I did not say that. I said I would have probably agreed if the Finance Member had been able to make out a case that additional income was needed.

**Mr. Vidya Sagar Pandya :** My friend, the Honourable Sir Cowasji Jehangir, has spoken about certain compromises : I do not know where those compromises were made and what were the terms of the compromises. But I have heard of certain stories—or rather newspaper reports somewhere, that if the Members of the Select Committee agreed to the imposition of the excise duty, then the Government would agree to put a ten per cent. duty on British steel products. I would like to know if this House, by any fluke of voting, happens to reject the excise duty, is the Government also going to bring forward an amendment to remove the ten per cent. duty on British goods, proposed by the Select Committee ? Are they bound by the compromise and was any compromise entered into ? If any such compromise was even contemplated it would amount to political corruption (Opposition Cheers)....

**Sir Abdur Rahim :** May I give the information to the Honourable Member as I was a Member of the Select Committee that there was no compromise and no bargain ?

**Mr. Vidya Sagar Pandya :** I am very glad to learn from my Honourable friend, the Leader of the Opposition, that there was no compromise. I do not know how the newspapers got the information—probably they are busy-bodies and they must find something to write about ; and, because there was no such compromise, I have nothing further to say.

**Maulvi Muhammad Shafee Daoodi (Tirhut Division : Muhammadan)** Sir, I have also been watching the proceedings on this Bill. At the first stage, we heard a lot against the imposition of the excise duty on the products of the Steel Company ; but I find that in the Select Committee there was no such opposition to the imposition of that excise duty. On the other hand what we find is that upon British products the protection has been, by some arrangement, raised to an appreciable extent. That gives rise to a suspicion in our minds as to why this change has taken place in the attitude of those who were opposing the excise duty. Just now our Honourable friend, Sir Cowasji Jehangir, has told us that there was some compromise in the Select Committee ; but it appears that this compromise was not made to the knowledge of Honourable Members of the Select Committee as our esteemed Leader, Sir Abdur Rahim, has just put it....

**Sir Cowasji Jehangir :** May I just point out that I said I understood there was some compromise ? I was not a Member of the Select Committee nor was I here : I said, I understood that was the case, and I trust the contradiction will be accepted by the House.

**Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhammadan Rural) :** On a point of information, Sir. Will Government say exactly what happened ?

**Mr. President** (The Honourable Sir Shanmukham Chetty) : So far as the House is concerned, it cannot take note of any compromise that has been arrived at.

**Maulvi Muhammad Shafee Daoodi** : But that is what appears from the report of the Select Committee as I have just now shown to the House. It appears that any arrangement that was made between the imposition of the excise duty and the raising of the protection duty was done with the consent of some Members of the Select Committee, not with the consent of all. That is the inference that can reasonably be drawn from the facts on record. Now, could we see that yesterday also, in the course of the discussion on this Bill, save a few gentlemen, those who had spoken against the excise duty in the first instance did not open their lips against it. They did not even suggest whether this excise duty was wrong in principle. It appears, Sir, that there seems to have been some understanding, if not a compromise, arrived at between the Government and the Tatas. If this understanding had been to the benefit of the people at large, I would have had no objection at all. But I find that by this understanding the consumers are going to be hit and greatly hit, and that is the reason why I take the strongest exception to this sort of understanding. It is obvious that the consumer would have to pay the excise duty as well as the protection duty which has been raised to ten or 20 per cent. in some cases,—he will have to pay those ten per cent. or 20 per cent. in some. This attitude of the Government is not at all satisfactory and, therefore, I take very strong exception to it, and I hope that the House will see that the attempt of the Government or of Tatas which is going to impose a heavy burden on the consumers is frustrated.

**Sir Abdur Rahim** : Sir, after what has fallen from the previous speaker, it has become necessary for me to intervene in the debate and say a few words to clear up the position. The House will remember that when the motion for reference to Select Committee was before the House, I raised the question whether it would be open to the Select Committee to deal with this question of excise and report against this duty, and, secondly, what would be the attitude of the Government with reference to this excise duty, and both the Honourable the Leader of the House and the Finance Member made it clear that they would stand by the excise duty, and if the excise duty was to be removed, then, so far as the Government were concerned, it would mean dropping the Bill altogether. That was made absolutely clear, and with that understanding we went into the Select Committee. There was no question, so far as the Members of the Select Committee other than representatives of the Tatas were concerned, of any bargaining. We were not concerned as members of the public to bargain with the Government about this matter, and, therefore, I can inform this House that in the Select Committee, so far as we were concerned, we did not give any countenance to any idea of any kind of bargaining or compromise. Our position was perfectly clear, that we were to deal with all the questions raised as fairly as possible and to the best of our judgment, and the decision of the Select Committee would depend entirely on the merits, and it was not a question of bargaining at all. Sir, we had to take into consideration the fact that the Government were not prepared to give any protection to the Tatas unless we agreed to the imposition of excise. That was a very important fact, which not only the Select Committee but this House itself had to take into consideration. That



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could not be said to be a question of bargaining at all. When any measures are brought forward before the House, we have to consider how far we can go and how far we cannot go. That was exactly the position with reference to this matter and nothing more. That is all I have to say.

**Mr. K. P. Thampan** (West Coast and Nilgiris : Non-Muhammadan Rural) : Sir, after listening to what my esteemed friend, the Leader of the Opposition, just said, I am in a position to understand the attitude of my friend, Mr. Mody, who has not raised his voice against this proposition. If I were he, I would have hurled all the anathemas on the heads of the Government Members sitting opposite. Sir, I am neither a shareholder nor have I any other interest in the Tatas than that of an ordinary consumer. I do not want to repeat the arguments that have been already advanced by the previous speakers, but I do want to point out one serious difficulty which might arise in the working of this measure, and I would like to know what the Government are going to do in that matter. We have heard, Sir, that the Government of Mysore have decided, in their budget proposals for the next year, to provide 21 lakhs of rupees with a view to improving their iron works at Bhadravati to start the manufacture of steel. When they do that, will not this levy be a tremendous lever in the hands of the Mysore Government to oust the Tatas from the field ? If it were a private industrial concern, the Mysore Government could co-operate by levying an excise duty on their steel, but inasmuch as it is a Government concern, the Government of Mysore cannot levy an excise duty on their own works, and, therefore, there will be a distinct margin of advantage in favour of the steel produced in Mysore. That aspect of the question has to be considered by the Government. I support the motion.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Mr. President, the remarks which have just fallen from my friend, Mr. Thampan, make it necessary for me to intervene in the debate, though I should have very much liked to avoid doing so. Mr. Thampan reproached me for not hurling,—I do not know whether he meant bombs,—(Laughter),—anathemas at my friends on the opposite Benches. My position is very plain. So far as the excise is concerned, it is to me like a dose of medicine. My friends might as well ask me whether I like a dose of medicine ; my answer is, if I am faced with the alternative of either suffering an illness or taking a bottle of medicine, naturally as a prudent man, I would take the bottle of medicine, particularly if I was assured by my doctor that beyond one bottle of the mixture I would not be compelled to take any of the stuff. (Laughter.) Now, Sir, some misunderstanding seems to have been created by a remark which fell from my friend, Sir Cowasji Jehangir. He was not a member of the Select Committee, and, therefore, he could not say anything from his own personal knowledge. I do not understand why there should be any room for misunderstanding on this question. We were faced with this position. The Government showed their goodwill by making a few concessions. They, at the same time, made it clear that they would insist upon the excise duty, and that if the duty was done away with by the Select Committee or in the open House, they would have to reconsider the whole position, and might even have to go the length of withdrawing the Bill. In these circumstances, Sir, like prudent practical men, most of the Members of the Select Committee took the position that they would not press

for the deletion of the excise duty, and that is why my friend, the Leader of the Opposition, and most of us did not put in any dissenting minute on the excise, and that is precisely why, we who have been parties to the Select Committee's Report, do not want to make any trouble over the question in the House. I hope, Sir, that the assurance given by the Government Benches that the excise duty will be removed at as early a date as possible will be implemented in every possible way, and that they will not leave the matter with just a vague assurance. I hope that the Government mean something when they say that at the earliest moment this duty would be removed. With that position, Sir, I am content for the present.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, my Honourable friend, Mr. Mody, has, in the few remarks which he has made, put the position of the Tatas clearly, and it is this, they want protection even if the consumer's interest is adversely affected....

**Mr. H. P. Mody** : It is not a question of the position of the Tatas. It is a question of the position of the Select Committee.

**Mr. Gaya Prasad Singh** : I am not bound by what transpired in the Select Committee. I was not a Member of the Select Committee.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. What the Honourable Member, Mr. Mody, says here in his speech must be taken as an expression of his opinion as a Member of this House and as a member of the Select Committee, and not as the representative of the Tatas in this House.

**Mr. Gaya Prasad Singh** : Whatever that may be, we know Mr. Mody's position when he was a Director of the textile industry of Bombay in which capacity he visited Lancashire and gave us the benefit of his results.

**Mr. H. P. Mody** : I am glad you appreciate them. (Laughter.)

**Mr. Gaya Prasad Singh** : However, I understand that the Tatas are willing to swallow this dose of medicine which has been administered in the shape of an excise duty provided they get this scheme of protection.

**Mr. H. P. Mody** : I strongly object to these remarks.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order. The Chair would like to draw the attention of Honourable Members to the undesirability of making a reference of that nature. It is for this House, as representing the public, to decide whether protection is to be given to an industry, and under what conditions it should be given. They might take the advice of the representatives of the industry if they so choose, but they need not at all be influenced by what the representatives of the industry themselves think about it.

**Mr. Gaya Prasad Singh** : That is what I am submitting. I am submitting that I am in favour of giving protection to the Indian steel industry of this country, but at the same time, I am here to guard the interests, the legitimate interests of the consumer, and the imposition of this excise duty will mean a heavy burden on the consumer. When we inaugurated in 1924 a scheme of protection to the Tatas, we thereby threw a burden on the consumers in the shape of increased prices of the imported articles into this country, but we undertook to do it in the hope that in course of time the industry would be able to stand on its

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own legs and would be in a position to withstand world competition, and that as a result of that the products of the Tatas would be sold at a lower price, and, thereby, the burden which was then thrown upon the consumers would be considerably lessened. This industry is within a measurable distance of attaining that position when it will be able to do away with this protective duty, and we find, that an excise duty is being saddled upon the consumers. My Honourable friend, Mr. Mody, stated that he has been assured by Government that this will be taken off at the earliest possible opportunity.....

**Mr. F. E. James** (Madras : European) : The House was being assured, not Mr. Mody.

**Mr. Gaya Prasad Singh** : But Mr. Mody, as a Member of this House, has taken this assurance at its face value, while some of us who know better are not prepared to take this assurance of the Government at its full value. Mr. Mody must remember that the cotton excise duty which was imposed on the textile industry of Bombay was maintained for a long number of years, and that his efforts and the efforts of his friends from Bombay did not avail until we took up the question in the Legislative Assembly and it was with great difficulty that the excise duty was eventually abolished. Mr. Mody must have a very short memory to forget what happened with regard to his old industry with which he has burnt his boat and broken his bridge. (Laughter.)

**Diwan Bahadur A. Ramaswami Mudaliar** : What does it matter if the bridge is broken, if the boat has already been burnt ? (Laughter.)

**Mr. Gaya Prasad Singh** : We have got very unpleasant experiences in these matters. With regard to the present assurance of the Government also, I do not know how far we should rely upon it. The plain fact, which emerges as a result of this imposition of the excise duty, is that the prices of the products of Tatas would likely increase, and they would not have to suffer. I am not referring to Mr. Mody, I am referring to the Tata Company. The imposition of the excise duty will result in this that the Tatas will increase the prices of their products and naturally this burden will fall upon the consumer, and it is, therefore, in his interest that this excise duty should not be levied. It is in the interests of the consumer that this excise duty should not be imposed. I am not very much impressed with the threat which is held out by the Government that unless this House accepts the excise duty the Government will not be willing to give protection to the industry. I hope that those of us who claim to be the champions of the interests of the consumers will not be much cowed down by this threat, but will press this motion to a division and vote in favour of the removal of the excise duty.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Sir, like the wise statesman that my Honourable friend, Mr. Mody, is, he has made his position clear. He said that in a statesmanlike way he and the majority of the Select Committee members accepted this levy of excise duty as a settled fact like the Bengal Partition of the old days. I am one of those minority members who opposed the levy of the excise duty on the floor of the House and in the Select Committee, and we have appended our minutes of dissent which I hope the House has appreciated. In the course of discussion this morning, it came out, although there was no compromise—I take this opportunity to say that it is beneath me to

enter into any compromise with the Government either on the floor of the House or in any Select Committee—but it came out that there had been some negotiations. Whether the negotiations had been in the lobby or in the ante-chambers of the Commerce Member I do not know, but knowing the great part which my Honourable friend, Mr. Mody, played during the passage of the Safeguarding of Industries Bill and the Cotton Textile Protection Bill, I cannot say that he is not susceptible of playing the part of a negotiator. I am not concerned with that, but I will refer to the speech of my Honourable friend, Sir Leslie Hudson, while he was speaking when this Bill was referred to Select Committee. He said :

“ I may point out that in their note to Government, dated the 19th July, Tatas suggested that a condition of the admission of British steel, free of duty, should be its compliance with the standard specification and to that I imagine no British steel importer could take exception.”

I had the temerity to interject :

“ Is that a public document that the Honourable Member is quoting from ? ”

Sir Leslie Hudson's reply is :

“ I believe it is to be found in many quarters.”

It has not found access to this quarter of the House, although it has found access to that quarter of the House.

**Mr. F. E. James :** May I inform my Honourable friend that the document was widely published in the nationalist press of this country ?

**Mr. B. Das :** I am not an Englishman by birth, and I can only interpret the English words in their plain meaning. My Honourable friend wants to put a different meaning to the implication of Sir Leslie Hudson's speech. However, I am not concerned with that, but I believe there have been certain talks between the representatives of the Tatas, my Honourable friend, Mr. Mody, and the gentlemen on the European Benches. At the outset, Sir Leslie Hudson was doubtful whether the levy of an excise duty was the proper thing to be done in the case of steel. But after sitting on the Select Committee, when he spoke yesterday, it appeared that his doubts were completely removed and he now believes in the levy of an excise duty. He is so much enamoured of this excise duty that he thinks it is the only thing that will help the Indian steel to continue its attenuated existence in India.

**Mr. F. E. James :** May I interrupt my Honourable friend ? He is putting sentiments into Sir Leslie Hudson's speech,

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which are quite foreign to the sentiments he expressed.

In explaining the point of view of the European Group yesterday, he was careful to say that we had reluctantly agreed to the imposition of excise, but that it was subject to two very important considerations, of which he reminded the Honourable the Commerce Member and the Honourable the Finance Member, which influenced him in arriving at that decision. I, therefore, appeal to my Honourable friend, Mr. Das, to be accurate in his statements and give due weight to the considerations set forth in the speech of the Leader of our Group.

**Mr. B. Das :** Thank you, Mr. James. That leads me nowhere. I particularly noted this assurance and the two conditions which the Leader of the European Group defined, but that does not lead me away from the humiliating position that the Government are going to levy an excise duty and which excise duty will be a halter on the steel industry. As my Honourable friend, Mr. Thampan, just pointed out, and I read in the

[Mr. B. Das.]

press yesterday only, that the Mysore Government have sanctioned nearly 21 lakhs to start a steel plant. Sir, the Tatas have been nurtured on the large amount of bounty and protection which they have received for the last ten years. They can even stand for a few years more on their legs until British steel can drive the Indian steel completely. But Mysore steel will find the greatest difficulty from the outset.

I was referring to the speech of my Honourable friend, Sir Leslie Hudson, the Leader of the European Group. The result of the negotiations in private and the assurances that were asked for on the floor of the House demanded various things. He said that the Tatas should not extend manufacture of their coke. He said something about the tin bars. The Honourable the Commerce Member, the Leader of the House, made it clear that Tatas made a most foolish agreement with the tin plate industry, and I know that the tax-payers paid more price to the steel in India, which was due to the foolish agreement which Tatas originally entered into with the tin plate industry from which they could not get out and the Honourable the Leader of the House the other day said that they must enter into an agreement with the tin plate industry in a way that will help the steel industry.

**Diwan Bahadur A. Ramaswami Mudaliar :** I thought it was the other way. Tatas fixed a price which was far in excess of what was necessary for the tin plate industry, and my Honourable friend, the Commerce Member, said that it was due to Tatas themselves that they should revise the contract in favour of the tin plate industry.

**Mr. B. Das :** Certainly, I am paying a compliment to my Honourable friend, the Leader of the House, that he noted that foolish mistake of Tatas.

**Mr. S. C. Mitra** (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : They gained by this contract....

**The Honourable Sir Joseph Bhore :** I had absolutely no intention of intervening, but I must say that far from being foolish, Tatas were quite sane over this matter. They entered into this contract, because it was to their advantage. But it is useless trying to clear the mind of my Honourable friend, so I made no attempt to correct him.

**Mr. B. Das :** Do I understand that the original agreement with the tin plate industry was favourable to the steel industry ? Then, I am afraid, the Leader of the House has not read the first Tariff Board's report. I am referring to the original Tariff Board's report of 1924 and how the country was penalised, because the Tatas entered into a foolish contract with the tin plate industry.

**Mr. H. P. Mody :** We rectified it by being smart the second time.

**Mr. B. Das :** You become smart after making the country pay terribly for your mistake. You learnt your smartness too late. Then the Honourable the Leader of the European Group also mentioned as a sop to the re-rolling industry that bars should come free of duty.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : We have not come to the third reading yet.

**Mr. B. Das :** I was referring to the negotiations that have gone on behind the scenes. I shall reserve my remarks on this subject till the third reading.

Now, coming to this excise duty, I am opposed to it, and if we had a national Government, our Chancellor of the Exchequer would not have dared to bring forward a measure of this kind. He ought to have waited till the next Budget season, and then he can bring out a Bill embodying this proposal. Today the country is of opinion that the Government have some ulterior purpose behind this proposal of levy of an excise duty. The Government are not responsible to us. I do not like to repeat what I spoke on the last occasion. I will only read two lines from my own minute of dissent and sit down : I said :

“ Government must wait till the next budget time, if, revenue deteriorates due to the present protection Bill. Government cannot dispel the suspicion that they are deliberately putting a handicap on Indian steel.”

Sir, that is my charge against the Government.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : I must remind the House that the House will sit this afternoon till about six o'clock.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

**Mr. N. N. Anklesaria** : Sir, the episode about the proceedings of the Select Committee must have come to some of us at least as a matter of great humiliation and regret. Certainly, Sir, the explanations given by Honourable Members who sat on the Committee from the Opposition side will not enhance their reputation for grit or their reputation for their power to stand up for what they regard as just and true in the interests of our country. Sir, I have got too much respect for my Honourable friend, Sir Abdur Rahim, and some of his colleagues to think that the explanation vouchsafed here was quite the correct explanation. I think the more correct explanation was the absence of visitors' galleries and Press galleries at the meetings of the Select Committee. Sir, in the Select Committee, Honourable Members become much more responsible and much more reasonable than you find them here (*Mr. S. C. Mitra* : “ Question ”), and as my Honourable friend questions that, I will give a convincing proof of the truth of my statement.

**Mr. Gaya Prasad Singh** : You are speaking from your own experience.

**Mr. N. N. Anklesaria** : In this House, Member after Member has talked of Government Members violating pledges and disregarding promises made in this House. What are the Select Committee people satisfied with ? In the seven operative paragraphs of their Report there are five paragraphs in which Government give mere assurances and my Honourable friends who have been talking about broken promises and violated pledges are perfectly satisfied with those assurances. Is that not reasonableness, Sir ? Sir, that is neither here nor there (*Mr. Gaya Prasad Singh* : “ Nowhere ”), but I now come to the question of excise. Sir, excise has got a very bad name in India, thanks to the agitation of the Bombay millowners at the time the Fiscal Commission was sitting. The prejudice against excise was started and I must say fomented by the

[Mr. N. N. Anklesaria.]

Bombay millowners, but as I said, Sir, sentiment is never a companion of reason or common sense. The question arises—why have the Government selected excise as a form of taxation in connection with the present measure? Sir, when we gave protection to the steel industry in India, it was pre-arranged, that a fresh adjustment would be necessary of the protective tariffs at the end of the protective period, and that was as it ought to be, because, if there were no readjustment of tariffs, then it would be tantamount to admitting in the most signal manner possible the failure of the whole scheme of protection. Fortunately for India and fortunately for the industry, that is not the case, and the tariffs have got to be readjusted. But, how shall these tariffs be readjusted? The Tariff Board stated that it was possible now to re-adjust the tariffs in the interests of the general consumer, especially of the agriculturist and in the interests of the subsidiary industries and in the interests of public utility concerns. Now, as regards the consumers' interests and as regards the interests of the subsidiary industries, I have nothing to say, because it is so transparent and self-evident, but as regards the public utility concerns, Members have spoken against the Government's view that the tariffs should be in the interests of public concerns. But imagine, Sir, the public utility concerns in India are mostly Government concerns, and by imposing tariffs on the materials used mostly by Government public utility concerns, you take away with one hand what you give with the other by your protective tariffs. Sir, secondly, the Tariff Board stated and stated in a most distinct and definite manner that the new scheme should be adjusted so as to implement the promises and understandings which were made in connection with the Ottawa negotiations and Agreement. Sir, I just want to read one or two lines from the Tariff Board's Report to show how definitely and how distinctly that object was put forward by the Tariff Board. On page 62 of their Report they say :

"We have, however, decided to adopt the other method which is calculated to give the British manufacturer a definite advantage consistently with the interests of the Indian industry. Our object in doing so is to maintain as far as is now possible the principle of reciprocity underlying the Ottawa Agreement relating to galvanized sheets," etc.

Sir, when the Tariff Board is so very definite and when our understandings and our promises were so very definite, relying on which the British Government made it possible for our products to replace continental imports into England, I ask why should this Government be so squeamish about mentioning that fact before this House? Sir, I will not take up the time of this House by reading the relevant portion of your report concerning the Ottawa negotiations, but I rely specially on paragraphs 73 and 76 of that report. Anybody who wants to know what the British Government has done for encouraging the imports of Indian steel and Indian iron into England with a view to replace continental products should read paragraph 73 of that report carefully.

**Mr. B. Das :** Does my Honourable friend know that the Tata's have suffered a great loss by sending pig iron to England?

**Mr. N. N. Anklesaria :** No, Sir, I do not know that. Besides, that is absolutely irrelevant to my argument.

**Mr. B. Das :** In that case my Honourable friend's whole speech is irrelevant.

**Dr. Ziauddin Ahmad :** They sell it Rs. 11 per ton cheaper.

**Mr. N. N. Anklesaria :** We may be very weak in a military sense and we may be very weak in a financial sense, but our power to negotiate with outside countries on account of our having 300 million consumers of commodities.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order : The amendment is about the removal of the excise duty.

**Mr. N. N. Anklesaria :** I am talking about the excise duty. Sir, I say that our power which comes from having 300 million consumers of commodities is absolutely unrivalled in the world. It is the realization by Great Britain and by the Indian Government and by our public men of the existence of our 300 million consumers that will enable us to carry through negotiations with Great Britain much more rapidly and much more efficiently than the wicked murders of a few Englishmen and a few native officials in India. Sir, the existence of 300 million consumers will make any country desire our good will and fear our hostility.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Order, order : The Honourable Member's observations are thoroughly irrelevant over the amendment.

**Mr. N. N. Anklesaria :** I bow to your ruling, Sir, but if you will hear with me for a minute.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair has borne with the Honourable Member for about ten minutes.

**Mr. N. N. Anklesaria :** Now, Sir, how is that loss to be recouped ? Shall we impose more duties on the consumers in order to recoup that loss or shall we impose more income-tax ? Naturally, my Honourable friend, Sir Cowasji Jehangir, looks at me with a good deal of misgiving.

**Sir Cowasji Jehangir :** I have been looking at you the whole time.

**Mr. N. N. Anklesaria :** I may assure him that I am not going to suggest an increase of income-tax. The only remaining method by which, and, as the Tariff Board says, the most obvious method by which, you can recoup your revenue loss is the excise duty. The other day I challenged my Honourable friend, Mr. B. Das, to give us any other alternative to this excise. My Honourable friend said that he would give out that alternative when his turn came and he would allow the Finance Member to reply to him. Sir, I patiently and most attentively listened to the speech of my Honourable friend, Mr. B. Das, that day, but not one word did he say about the promised alternative in his whole speech nor has my Honourable friend suggested in his minute of dissent any other alternative which would be called a better alternative to excise. Sir, as I said, this excise has got a bad name but, after all, it is not such a bad thing as people imagine it to be. My Honourable friends who have been railing against excise would be surprised to hear that for 50 years England put an excise on the manufacture of her cotton cloth, from 1784 to 1834, and that was in the fitness of things. That fact is related by the Fiscal Commission themselves on pages 69-70. Sir, the Industry has been getting the benefit of the protective duties and when a stage has arrived when those protective duties have achieved what they were meant to achieve, it is just and proper and it is only fair to the consumer and the tax-payer that the industry must bear the burden of the excise



[Mr. N. N. Anklesaria.]

duty. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar—I am sorry he is not in his seat—and my Honourable friend, Mr. Mody, regaled us with dismal stories about the soundness of the Tata's position in connection with the dividends that have been paid. Sir, I venture to submit that the Tata's are an essentially sound concern and they may be trusted to making the most of the opportunities which a grateful country has extended and is extending to them. My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, talked of no dividends being paid on the ordinary shares and with great exultation and flourish of the hand he repeated “nil, nil,” for every year. Sir, a table has been given on page 160 of Dey's *Tariff Problems in India* and I have calculated that the interest which the Tata's have paid during the seven years—from 1915 to 1922—amount to 1,200 per cent. and, if this 1,200 per cent. interest is spread over a period of 20 years from 1915 to 1935, it would work out at 60 per cent. interest per annum on deferred shares. If this is not doing well, I do not know what it is.

**Mr. B. Das :** What about Dr. Dalal's widows ?

**Mr. N. N. Anklesaria :** They are perfectly safe. Sir, my Honourable friend, Mr. Das, has not taken up my challenge of showing a better alternative. Government Members have more than once stated that they are not enamoured of this excise duty but, as a *pis aller*, they have put in this form of taxation and they have promised to take it off at the earliest possible moment. Therefore, I say that in the absence of a better alternative and in the interests of our protective scheme, we should accept this scheme of excise taxation. In conclusion, I would say, Sir, eschew prejudice and eschew suspicion, for where prejudice and suspicion enter reason and common sense go out. If my Honourable friend, Mr. B. Das, wants any specific proof of the truth of this adage, I would point out its truth in his own connection. The other day my Honourable friend said that he was a confirmed protectionist, that he always stood for protection, but what does he say in his minute of dissent. He hopes that this measure of protection in India will be the last measure of protection in this country.

**Mr. B. Das :** It is because of *national humiliation*.

**Mr. N. N. Anklesaria :** You never said that in the minute of dissent.

**Mr. B. Das :** You had better read it again.

**Mr. N. N. Anklesaria :** As my Honourable friend, Sir Cowasji Jehangir, is looking at me, I will give an instance in his connection. The other day, the Honourable the Finance Member gave expression to very noble sentiments. He asserted more than once that he was a servant of the Government of India and of India and not of the British Government (Hear, hear), and this noble expression of opinion the whole House applauded but my Honourable friend, Sir Cowasji Jehangir, would not allow this opportunity of making a debating point to go away without quibbling on the constitutional position. If that is the spirit in which we judge this measure, then I say eschew that spirit. With these words I oppose the motion of my Honourable friend, Dr. Ziauddin.

**The Honourable Sir James Grigg** (Finance Member) : Sir, during the course of this morning's debate, a slight storm blew up about what happened in the Select Committee, as to whether there was a bargain or an honourable understanding or something else. You, Sir, have ruled

that the House was not entitled to take cognizance of what happened in the Select Committee, and that being so, the Government are content in that respect to leave matters where they were left by the statement of Sir Abdur Rahim. I come now to the real subject under discussion which is, whether we shall or shall not impose an excise duty of Rs. four per ton upon the domestic production of steel ingots. During this debate, a certain number of general principles have been formulated, some of them rather startling. Take first Mr. Ramakrishna Reddi, his principle is that an excise duty is only justified in cases where there is domestic over-production. On this I would only say this that this is an entirely novel principle and I do not agree with it. The primary purpose of an excise is to produce revenue and not to remedy economic defects. Then, my Honourable friend, Mr. Jagan Nath Aggarwal, gave voice to the theory that there should never be an excise on protected articles. Again I do not agree. The Fiscal Commission quite definitely contemplated that there should be excise on protected articles and I referred in my previous speech to an extract from paragraph 95 of the report of the Indian Fiscal Commission. It says :

“ It is possible indeed that the necessities of revenue may force the Government to put a higher import duty on certain protected goods that is required for purposes of protection. We deal with such a contingency in a later chapter, when we recommend that any such excess revenue should be raised by means of an excise duty *plus* an additional import duty. The additional duties would be purely for revenue purposes and would be dealt with on strictly revenue principles.”

So that, the standard authority on fiscal matters in India, the Indian Fiscal Commission, entirely denies the principle formulated by Mr. Jagan Nath Aggarwal. Then my Honourable friend, Dr. Ziauddin Ahmad, also formulated certain principles which are of a general nature. He said, so far as I understood him, that we should not mix up revenue and protection and this seems to me to be rather, if I may say so, an inaccurate echo of my remarks on the last occasion when this was debated in this House that we should not mix up revenue duties and protective duties. That is a very well understood principle, but to say that we should not mix up in the same Bill revenue and protection, this does not by any means follow from that. Obviously protection and revenue are inextricably bound up and you have only to look up at the terrible fall in the customs revenue of this country, as a consequence of the protective policy in some industries, to see how revenue and protection are bound up. I imagine, however, that what Dr. Ziauddin Ahmad really meant was, and in this he was joined by my Honourable friend, Raja Bahadur Krishnamachariar, that you must wait and see how much revenue you are going to lose and then introduce, not now but next February, the appropriate remedial measures. In other words—I apologise for repeating this metaphor—you must leave the stable door unlocked and in six months after the horse has been stolen you think of locking it. Apart from that, I contend that both these Honourable Members displayed a certain amount of inconsistency. After giving expression to the opinion that it is an absolute outrage that you should mention excise or that you should impose excise duty in a Bill whose purpose is protection, or whose main purpose is protection, I find in amendment No. 14 that my Honourable friend, Dr. Ziauddin Ahmad, has given notice to move :

“ That after clause 4 of the Bill the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

‘ 5. If revenue duty is imposed on any article mentioned in the Schedule, the equal amount of excise duty shall be imposed on similar articles ’.”

[Sir James Grigg.]

I can only say after this, that consistency is not one of his best virtues. How does that square with his theory that there should be nothing about excise in this Bill ?

Then, my Honourable friend, Raja Bahadur Krishnamachariar, at one point contradicted or queried the optimistic forecast of my predecessor that in budgetary matters we have turned the corner. In that case, if that is his view, how can he possibly argue, " wait and see if we have turned the corner " ? Whether we have turned the economic corner or not, I do not know, but, I think, I can see some signs of our being in the course of doing so, but I am bound to say that I do not see any signs of our having turned the budgetary corner yet, and, it is on that that I rest my case for the imposition of an excise duty now. We are going under the protective part of the Bill to lose something which is variously estimated, but which we at present estimate at 30 lakhs, it may be a little more or it may be a little less. I do not know, nobody knows, whether the existing taxation is sufficient to cover that loss. I dealt with all this in my previous speech and I said that the yield of the match excise duty and the sugar excise duty has practically not begun yet. Both these are uncertain elements in the Budget and as the House knows perfectly well there are other doubtful items in it. I do not think any responsible Finance Member can recommend the House to take the risk of throwing away 30 lakhs revenue and not make it up immediately. That is my case, viz., that we do not in the least know where we are, but I think, it is extremely unlikely that the Budget will stand a loss of 30 lakhs and, therefore, we must make it up, not in six months time, but now. So much for the necessity for making up the revenue. The next question is, is there any other way of doing it than the one we propose in this Bill ? The Raja Bahadur rather hinted, if I have not misunderstood him, that at least the debates of the Select Committee proved that there was an alternative way of raising this revenue. I went into it.....

**Raja Bahadur G. Krishnamachariar :** If my Honourable friend would allow me, what I said was that there was a proposal in the Select Committee to find out if there was any alternative way of recouping this loss. We do not know exactly what happened in the Select Committee whether that attempt was made and if so with what result.

**The Honourable Sir James Grigg :** I will come to that. As a matter of fact I went into all that in my previous speech, and I came to the conclusion and tried to prove that there was no alternative way of raising these 30 lakhs and nothing that happened in the Select Committee changed my views. I think it will not be an unfair statement of the deliberations of the Select Committee that the only way of replacing these 30 lakhs of revenue was in fact to put back a large part, practically the whole, of the Rs. 43 a ton which is being taken off the duties both on continental and on British galvanised sheets. I do not think anybody, who has been a member of the Select Committee, will challenge that. I made it clear previously and I make it clear now that Government cannot be a party to any such scheme as that. As the House knows very well, it is often extremely difficult to know what in the positive way can be done to help the agriculturist. We have now got something which will undoubtedly help the agriculturist, particularly in Bengal ; and I personally and Government as a whole are certainly not prepared to forego this opportunity of helping the agriculturist when it comes to our hands.

Now, Sir, as the House will remember, the Fiscal Commission definitely recommended excise duties and I think it is not

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unfair to say that universal economic theory proves that the least burdensome way, as far as the consumer is concerned, of raising revenue, is not to give a gratuitous increase of protection to the producer but to impose a low excise and an exactly equal customs duty on the commodity under consideration. And here perhaps I can again read paragraph 120 of the Tariff Board's report :

"The general question of replacing by some other source of taxation the Customs revenue lost to Government by reason of the policy of protection is one which the country must be prepared to face sooner or later. An obvious way of meeting the situation is to levy an excise duty, provided the protective duty is increased at the same time by a corresponding amount so as not to impair the measure of protection granted to the industry. The same principle may be applied to individual articles manufactured by a protected industry on which no protective duty is required by levying the duty on both imports and local production at a uniform rate so calculated that on the total consumption the aggregate amount of revenue desired by Government may be realised. Such a course has the advantage, besides safeguarding the Indian industry and supplying the deficiency in revenue of preventing so high a rise in prices as will follow if the whole duty is levied in the form of an import duty."

In this way, by a comparatively low excise and an equal import duty, the needs of the Treasury are met most economically ; for, after the protective needs of the producer has been fully met, this theory ensures that the revenue needs should be met by a method which gives the Exchequer all the money that is taken from the consumer, and it does not adopt the plan of taking from the consumer many times the amount that the Exchequer needs and gets, the remainder, by far the greater part, of the money taken from the consumer, being an entirely gratuitous donation to the producer who *ex-hypothesi* does not need it. This, I conceive, was the intention of Mr. Anklesaria's argument, and, if so, I may say that I entirely agree with it.

We had the spectacle this morning of a good many people opposite getting up and simultaneously posing as friends of the consumer and opposing the excise duty. Sir, I am not sure whether they spoke with their tongues in their cheeks. I claim that I am the true friend of the consumer and I, therefore, invite all the other true friends of the consumer to follow me into the lobby.

There are two small points which I might deal with before I sit down. My Honourable friend, Mr. Thampan, raised again the question of the States. Sir, I do not think I can do better than read the paragraph of the Select Committee's report :

"We considered the possibility that the inauguration of steel manufacture in Indian States might bring into existence circumstances prejudicial to the interests of manufacturers in British India. We have received an assurance that any development of this kind will be carefully watched by Government and that steps will be taken, if the necessity arises, to safeguard the interests of manufacturers in British India."

Mr. Thampan rather sneered at assurances of Government, but I do not think that in the present circumstances it is possible to formulate a safeguard against an evil which has not yet emerged, and, at any rate, I think the producers in this instance are quite satisfied that Government mean what they say and that they will watch the position and will do their utmost to deal with the danger, if and when it arises.

[Sir James Grigg.]

The other question was that raised by Mr. Mody with regard to the removal of the excise. The Commerce Member and myself have both made our position in this matter absolutely clear, and if we went on paraphrasing and reiterating our views on that matter for a month, I do not think we could make our position any clearer. Neither of us contemplate that this particular excise should form a permanent part of the fiscal system of this country. As to the time and the circumstances in which it can be removed nobody can prophesy, but our desire and intention is that it should not be kept on a moment longer than it is necessary.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 4 of the Bill be omitted and the subsequent clauses be renumbered accordingly and consequential amendments be made in the Bill as well as in the Schedule.”

The Assembly divided :

AYES—28.

Abdul Matin Chaudhury, Mr.  
Aggarwal, Mr. Jagan Nath.  
Ba Maung, U  
Bhuput Sing, Mr.  
Das, Mr. B.  
Dutt, Mr. Amar Nath.  
Gunjal, Mr. N. R.  
Hari Raj Swarup, Lala.  
Ismail Ali Khan, Kunwar Hajee.  
Jog, Mr. S. G.  
Krishnamachariar, Raja Bahadur G.  
Lahiri Chaudhury, Mr. D. K.  
Mahapatra, Mr. Sitakanta.  
Mitra, Mr. S. C.

Martuza Sahab Bahadur, Maulvi Sayyid.  
Neogy, Mr. K. C.  
Pandian, Mr. B. Rajaram.  
Pandya, Mr. Vidya Sagar.  
Patil, Rao Bahadur B. I.  
Reddi, Mr. T. N. Ramakrishna.  
Roy, Rai Bahadur Sukhraj.  
Sant Singh, Sardar.  
Sen, Mr. S. C.  
Shafee Daoodi, Maulvi Muhammad.  
Singh, Mr. Gaya Prasad.  
Thampan, Mr. K. P.  
Wilayatullah, Khan Bahadur H. M.  
Ziauddin Ahmad, Dr.

NOES—55.

Abdul Aziz, Khan Bahadur Mian.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna Raddi B.  
Bhore, The Honourable Sir Joseph.  
Brij Kishore, Rai Bahadur Lala.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Chinoy, Mr. Rahimtoola M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Duguid, Mr. A.  
Ghuznavi, Mr. A. H.  
Grantham, Mr. S. G.  
Grigg, The Honourable Sir James.  
Hockenhull, Mr. F. W.  
Hudson, Sir Leslie.  
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur Sardar Sir.  
Kamaluddin Ahmad, Shams-ul-Ulema Mr.  
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.  
Lindsay, Sir Darey.  
Lunby, Lieut.-Colonel A. F. R.  
Metcalfe, Mr. H. A. F.  
Morgan, Mr. G.  
Muazzam Sahib Bahadur, Mr. Muhammad.  
Mujumdar, Sardar G. N.  
Mukherjee, Rai Bahadur Sir Satya Chavan.  
Nihal Singh, Sardar.  
Noyce, The Honourable Sir Frank.  
Perry, Mr. E. W.  
Rafuddin Ahmad, Khan Bahadur Maulvi.  
Raghubir Singh, Rai Bahadur Kunwar.  
Raisman, Mr. A. J.

Rajah, Rao Bahadur M. C.  
 Ramakrishna, Mr. V.  
 Ranga Iyer, Mr. C. S.  
 Rastogi, Rai Sahib Badri Lal.  
 Rau, Mr. P. R.  
 Richards, Mr. W. J. C.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. J. Ramsay.  
 Scott, Mr. W. L.  
 Sher Muhammad Khan Gakhar,  
 Captain.

Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Trivedi, Mr. C. M.  
 Yamin Khan, Mr. Muhammad.  
 Zakaullah Khan, Khan Bahadur Abu  
 Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : For the convenience of Honourable Members, the Chair would explain the procedure that it proposes to follow regarding the amendments. After finishing clause 4, the Chair proposes to go on to the subsequent clauses in order,—clauses 5, 6, 7, 8, 9, etc.—and then to the Schedule ; and then the House will come back to clause 3 and then clause 2 and then clause 1 and then the Title and the Preamble. That will be the order in which the amendments will be taken.

**Mr. Sitakanta Mahapatra** : Sir, I beg to move :

“ That in clause 4 of the Bill, for the words ‘ four rupees ’ the words ‘ three rupees ’ be substituted and clause 7 be amended accordingly.”

So much has already been said against the imposition of an excise duty that it is needless for me to say anything more. I shall only, as briefly as I can, try to convince you that there is a fair scope for a substantial reduction in the incidence of excise duty, unless the Honourable the Finance Member wants to tax unnecessarily and make money out of it on a plea. But the Honourable the Finance Member and the Honourable the Commerce Member have repeatedly asserted on the floor of this House that they want nothing of the kind and they are prepared to be reasonable in this case. The Government estimate that the loss to their revenue on account of lowering of duties now proposed will be in the neighbourhood of Rs. 30 lakhs. This sum they propose to make up by levying an excise duty on the production of steel ingots in the Tatas which was roughly 740,000 tons in 1933. But, as I have already indicated in my minute of dissent, this estimated loss of Rs. 30 lakhs of revenue is an over-estimate. I shall prove it presently. My first point is that while calculating loss of revenue, the Treasury Benches always over-estimate the loss, and, while calculating the income, they invariably underestimate it. When we suggest that postcards may be reduced from nine pies to six pies, they say : “ Oh, the loss will be tremendous—so many crores and so many lakhs ”. But when we contend there will be a larger saving, they say it is a question of a few thousands of rupees. The Honourable the Commerce Member has in a way admitted that this may be an over-estimate. In his speech on the 31st July, he said :

“ Estimates of losses must be uncertain, but even if we regard this as an over-estimate, it is absolutely certain that we shall have to face a serious diminution in our customs revenue.”

But the Finance Member, who is perhaps responsible for these calculations, is nothing if not very frank in his statements, since he is not yet

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a "spoilt child" of the Government as newspapers say about him. In his speech on the 1st of August, the Finance Member said :

"On the later figures now available, we estimate the actual loss to be expected is from 25 to 30 lakhs."

In view of the fact that the Finance Member himself calculates that the loss of revenue may vary between 25 and 30 lakhs, it may safely be taken as 25 lakhs, but to be modest and cautious, let us put it at an average figure of 27½ lakhs. But this calculation was made by the Finance Member before the Report of the Select Committee. In the Select Committee the revenue duties on structurals and steel ingots and steel plates of British manufacture have been restored. There is an income of about two lakhs, but let us put it at 1½ lakhs, to be very cautious, according to the modest calculation of the Finance Member himself. On the 1st of August, he said :

"There remains the possibility of a revenue duty on tested structurals and plates. According to our calculations, the yield of ten per cent. duty on the basis of imports of 1932-33 would be about 1½ lakhs, and on the figures of next year would have amounted to a sum very slightly in excess of that figure, certainly it will come under two lakhs."

But when he was interrupted by Mr. Mody, he admitted that this might go up to three lakhs if there is a switch-over from continental to British. Let me read the passage referred to.

"Mr. H. P. Mody : May I ask a question ? What would happen in the case of a switch-over from continental to British ? Would not the revenue loss be greater ?

"The Honourable Sir James Grigg : If I go into that, it might put me off from the thread of my argument, but supposing it doubled and in the result you get three lakhs.....3 lakhs is a very inadequate contribution towards 30 lakhs."

This is what he said. But let me put it at 2½ lakhs instead of three lakhs. So our loss comes to 25 lakhs. Then, the countervailing duty leviable upon tin plates and tin sheets have been increased to the extent of about 12 annas per ton. Here, there is a very considerable revenue. Further, import duties on highly priced alloy steel bars have been considerably increased. Some revenue increase must be allotted to this side. Over and over all these, in paragraph 6 of the Select Committee's Report there is a clear provision that in case of unfair cutting of prices on imported articles, additional duties will be imposed by the Government of India. In the present world conditions today such reduction in prices is a foregone conclusion. From all these factors it may safely be assumed according to a most modest calculation that there will never be a loss of more than 22 to 23 lakhs of revenue as a result only of reduction in the level of import duties, and so we are required to raise this sum only by imposing excise duty, if at all.

Then, the rate of production of steel ingots in Tatas was 740,000 tons in 1933, but Tatas have been found to be increasing their production by leaps and bounds. Let me quote a sentence from Sir Leslie Hudson's speech on the 1st of August. This is what he said :

"Their output in 1923, was 163,000 tons, in 1924, 380,000 tons, and in 1933, it was 500,000 tons."

It is quite possible that in 1934 and further on till 1941, their rate of production will go on increasing steadily, if not at this rate. Further, Sir in paragraph 5 of the Select Committee's Report, it is stated that there is

every possibility of the inauguration of steel manufacture in Indian States. Very recently it appeared in the newspapers,—and that was referred to this morning in this House,—that the Mysore Government have already sanctioned such a scheme at Bhadravati at an initial cost of 21 lakhs. Over and above all these, there are some smaller firms in British India, both European and Indian, that are even now producing steel to a certain extent, and there are a number of firms, which are perhaps within the knowledge of Government, that are coming into being in the near future, not to speak of those that may come into being during all the next seven years with the object of manufacturing steel. From all these factors, it would only be very reasonable on the part of Government to agree to a reduction of the incidence of excise from rupees four to rupees three per ton, although I personally believe that there is sufficient scope for reducing the incidence by half. The Finance Member in his speech on the 1st August said this :

“ I personally should have been very glad to be able to dispense with it,—I hope the House will agree that I have proved that we could not dispense with it, if the balance of the budget was not to be prejudiced and like my Honourable friend, the Commerce Member, I cannot see this excise duty on steel ingots becoming a permanent feature of the Indian fiscal system.”

Sir, when we have agreed to the manner and method of imposing the excise duty, and when we have accepted the imposition of the excise duty, I believe the Finance Member in his national sportsman's spirit will come to our rescue and agree to a partial reduction of the incidence so that his loss may be fully recouped without any extra taxation. In his speech later, on the 31st July last, the Honourable the Commerce Member said : “ Its removal or reduction, however, must largely depend upon our general financial position ”. I am sure, he, in his heart of hearts, believes that the loss of revenue may not be to the extent of 30 lakhs. He is sure, I think, that it may not be only 740,000 tons, but considerably more of steel ingots that will require excise. He will, I hope, prevail upon his colleague to agree to my modest and very reasonable proposal.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 4 of the Bill, for the words ‘ four rupees ’ the words ‘ three rupees ’ be substituted and clause 7 be amended accordingly.”

**Mr. N. B. Gunjal** (Bombay Central Division : Non-Muhammadan Rural) : (The Honourable Member, speaking in the vernacular, supported the amendment.)

**The Honourable Sir James Grigg** : Sir, I am afraid I must confess that I only very imperfectly apprehended the argument put forward by the last speaker (Laughter), and if, therefore, I do not deal with his remarks at the length which they deserved, I have no doubt he will forgive me. Mr. Sitakanta Mahapatra gave us the second of our recent arithmetical lectures. As far as I can make him out, the process which he went through is rather like that of the man who sought to prove that the ordinary lawyer's fee in the United Kingdom was not 6s. 8d. but 3d. six and eight equals 14d., which is 1s. 2d., which again became one and two pence which equals 3d. ! He seems to me to arrive at some such result. He first of all started off to prove that the recommendations of the Select Committee had, in fact, greatly diminished the loss which the revenue suffered by the adoption of the recommendations of the Tariff Board. When I talked on the 1st August about the



[Sir James Grigg.]

extra revenue which is to be expected from the restoration of the revenue duty on structurals and plates, that was a gross figure. Of course, it was not the amount of extra revenue that we shall actually realise, because the duty to countervail the excise was there anyhow. So, the extra revenue, in my view, and on a liberal calculation, to be apprehended from the alterations made in the Bill by the Select Committee, may be about a lakh. Now, one-fourth of the 30 lakhs, which is what he proposes to knock off, is about Rs. 7½ lakhs. Towards that Rs. 7½ lakhs, instead of producing the whole amount as he tried to do, he has, in fact, produced only one lakh and still we are Rs. 6½ lakhs short. Yesterday the House passed a Bill on the subject of double income-tax relief which was required in order to stop a potential loss of Rs. eight lakhs of revenue. The Government having taken the responsibility of bringing in a measure to stop a loss of Rs. eight lakhs, quite clearly we should be failing in our duty if we agreed to an amendment which would mean a loss of revenue of Rs. 6½ lakhs. There is not so much difference between Rs. eight lakhs and Rs. 6½ lakhs that one could afford to take a different view. Therefore, Government must oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 4 of the Bill, for the words ‘ four rupees ’ the words ‘ three rupees ’ be substituted and clause 7 be amended accordingly.”

The motion was negatived.

**Mr. Sitakanta Mahapatra** : I beg to move :

“ That in clause 4 of the Bill, for the words ‘ four rupees ’ the words ‘ three rupees eight annas ’ be substituted and clause 7 be amended accordingly.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member cannot make a speech. He can move it if he wants.

**Mr. Sitakanta Mahapatra** : I want to move it. I only want to say this that if the Honourable the Finance Member is unwilling to sustain a loss of Rs. 6½ lakhs he can agree to this small loss.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in clause 4 of the Bill, for the words ‘ four rupees ’ the words ‘ three rupees eight annas ’ be substituted and clause 7 be amended accordingly.”

**The Honourable Sir James Grigg** : I am afraid, Sir, that my heart, though not so hard, is at any rate half as hard towards this proposal. This amendment, if carried, would mean a loss of somewhere between Rs. three and four lakhs, and even that is a loss which the Government are not prepared to face.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in clause 4 of the Bill, for the words ‘ four rupees ’ the words ‘ three rupees eight annas ’ be substituted and clause 7 be amended accordingly.”

The motion was negatived.

**Mr. President.** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 4 stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : No. 14, Dr. Ziauddin Ahmad's amendment,\* the Chair is inclined to think, is out of order, because, in anticipation, he wants to provide that there should be an extra excise duty in case there is a revenue duty on any of the articles mentioned in the Schedule, the effect of which would clearly be an imposition of a heavier burden for which the previous sanction of the Governor General would be required. Has the Honourable Member to say anything on that ?

**Dr. Ziauddin Ahmad** : The intention of my amendment is that the revenue duty, if it is ever put, should not be used for protective purposes. It should be treated purely as a revenue duty. That is my intention. I would develop the point later on.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : When they increase the revenue duty, it will come before the House and the Honourable Member can express his opinion at that time.

The question is :

“ That clause 5 stand part of the Bill.”

**Raja Bahadur G. Krishnamachariar** : Nos. 15, 16 and 17 are only consequential upon my original amendment relating to clause 4, and as it has been voted against, all these amendments go.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 5 stand part of the Bill.”

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That clause 9 stand part of the Bill.”

**Dr. Ziauddin Ahmad** : May I suggest that amendment No. 18 be taken after we have disposed of amendment No. 3 by Mr. Vidya Sagar Pandya. This will be a consequential amendment to that.

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“ That after clause 4 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

‘ 5. If revenue duty is imposed on any article mentioned in the Schedule, the equal amount of excise duty shall be imposed on similar articles ’.”

**Mr. President** (The Honourable Sir Shanmukham Chetty) : That means that we will have to postpone clause 9. Clause 9 is held over.

The question is :

“ That clause 10 stand part of the Bill.”

The motion was adopted.

Clause 10 was added to the Bill.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That the Schedule stand part of the Bill.”

There is a new scheme by Dr. Ziauddin. What the Chair would like to know is whether the result of this new scheme will result in an increase of taxation.

**The Honourable Sir Joseph Bore** : On the whole I am not prepared to say that it will result in an increase.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : What was the intention of Dr. Ziauddin Ahmad ?

**Dr. Ziauddin Ahmad** : I have provided for the figures of Rs. 15 per ton and Rs. 10 per ton. In one case I have raised it, and in the other case I have lowered it, and in no case is the duty increased. I will give a sketch of my scheme.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member's intention was to increase it.

**The Honourable Sir Joseph Bore** : There may be an increase on certain items, but not in the total.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair will give the benefit of the doubt to the Doctor.

**Dr. Ziauddin Ahmad** : Sir, I beg to move :

“ That for the Schedule to the Bill the following be substituted :

#### ‘ THE SCHEDULE.

(See section 3.)

*Amendments to the Second Schedule to the Indian Tariff Act, 1894.*

1. For Items Nos. 143 to 154 the following Items shall be substituted and the subsequent Items shall be re-numbered accordingly, namely—

‘ 143. Iron and steel.

(a) not fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India.

(ii) not of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India plus Rs. 20 per cent. *ad valorem*.

(b) Iron and steel—  
fabricated—

- (i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots *plus* Rs. 10 per ton.
- (ii) not of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots *plus* Rs. 30 per ton.'

2. In Item No. 235—

- (a) in the second column the words 'Iron pig' shall be omitted ;
- (b) in the fourth column for the figures '20' the figures '10' shall be substituted ; and
- (c) in the fifth column for the figures and words '10 per cent.' the word 'nil' shall be substituted.

3. In Item No. 236—

- (a) in the fourth column for the figures '20' the figures '10' shall be substituted ; and
- (b) in the fifth column for the figures and words '10 per cent.' the word 'nil' shall be substituted.

4. In Item No. 237—

- (a) in the fourth column for the figures '20' the figures '10' shall be substituted ; and
- (b) in the fifth column for the figures and words '10 per cent.' the word 'nil' shall be substituted '.

I should like first to mention the principles on which the suggested Schedule is based. I may mention that I have suggested this, not in the interest of the British manufacturers, but I have made this suggestion in the interest of the Indian consumers alone. I will mention the principles and if that is agreed to then the conclusion will follow. My first principle is that the burden on the consumers should be lightened as much as possible. I do not think there will be any person who will be opposed to this principle. The second principle is that minor industries should be benefited and that in two ways. The price of raw materials should be cheapened and the price of fabricated articles slightly raised, so that minor subsidiary industries may profit.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member wants to do away with all the classifications.

**Dr. Ziauddin Ahmad** : I am just going into the principles on which my amendment is based. My third principle is that the Tatas should have a profit of 104 lakhs every year which I do not like to touch which is given to them by the Tariff Board. This I called it the visible profit. I am also giving them a good margin of invisible additional profit in this amendment, though not to the same extent as is contained in the Bill. My last principle is that the operation of the Act should be simplified as much as possible. It has got so much of classifications and sub-classifications *a, b* and *c*, and so on. I want to simplify the Indian, Tariff Act which may be easy and understood and easy to work. If this principle is adopted, there will be a great retrenchment and saving in the number of customs officers. I trust nobody would disagree with the principles which I have suggested. I said at the very outset that my proposals are not based in sympathy of the British manufacturers but of Indian consumers. Now, as regards unfabricated steel, I have

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a table before me on page 54. It is Table XXIII. The fair selling price with ten per cent. profit on work costs are taken from the figures I gave yesterday :

	Landed price with- out duty Rs. per ton.	Fair selling price on which one crore profit is included. Rs. per ton.	Fair selling price on which profit of 10 per cent. on manu- facturing cost is in- cluded.
Rails .. ..	113	95	78
Fish plates .. ..	151	133	114
Structurals British ..	113	100	86
Bars .. ..	96	94	80
Plates .. ..	114	99	84
Semis .. ..	64	53	52
Black Sheets .. ..	119	122	108
Galvanised sheets ..	160	159	144
Sleepers .. ..	86	78	71

These figures show that Tata needs no protection against British goods. Any duty we impose on British goods would in fact be additional protection not contemplated by the Tariff Board.

So when I propose to abolish all duties on British goods, I am not doing it in the interests of the British manufacturers ; I am doing it in the interest of consumers and in the interest of the minor industries according to the principles which I have just enunciated and which the House has admitted. (*An Honourable Member* : " Admitted ? ") Sorry ; not questioned. If we agree to these principles and these are the principles which are admitted by everybody, then I see no justification why any duty at all should be placed on British goods in the shape of additional protection—more than what the Tariff Board have given to the Tata Company. That is really one of the very important principles on which I have made my new Schedule and, therefore, I have suggested in the first part that on British goods only it should be 1 1/3 times the excise duty, leviable for the time being, on steel ingots produced in British India and no additional duty because none is needed. Now, coming to the non-British goods, I find that the protection is needed there, because, in the same Table, I notice that in the case of non-British goods some kind of protection is necessary. What is the quantum of protection ? I would prefer to put specific duties but I could not suggest the specific duty as I apprehended that it may be out of order. Therefore, I propose this duty of 20 per cent. *ad valorem*, but I may say

I would like very much specific duty of Rs. 15 per ton instead of an *ad valorem* duty. The duty should not be abnormal and we may give quotas to various centres. So my first part is that in consonance with the principles I have enunciated, no protection is necessary as against British goods. If you want to levy any revenue duty, then levy the revenue duty on British goods and a corresponding amount as the excise duty as well, but for protection purposes no duty as such is necessary as against British goods.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

Sir, as a result of the last ten years of protection, we have reached a stage where no protection is needed for Tatas' goods against British goods, and if the Government are levying any such duties, I think they are not doing justice to the consumers of this country because it is not to their interest ; here I have absolutely no consideration in mind, whatsoever, for the British manufacturer, but I consider, from a study of the figures I have quoted, that the Tata Company can stand on its own legs against the British manufacturer and I would not like to be led away by sentimental arguments. I would like to be told by facts and figures that if this duty is removed from the British article, then the Tatas would substantially suffer and I maintain from the figures I have quoted that the Tatas can hold its own against British goods. They do, however, need some kind of protection against the non-British goods ; that is to my mind Rs. 15 per ton is quite sufficient protection according to the figures I have got in my hand. Further protection may be given by assigning quota and not by increasing quantum of protection. Coming to the second part, that is, the fabricated articles, in the case of these, I would very much like to impose some duty in the interests of Indian steel rollers. I have suggested that Rs. ten per ton in addition to any excise duty would be sufficient for our minor industries and about Rs. 30 per ton in the case of the non-British manufacturer. Here, again, further protection may be given by quota system.

Coming to the second part of my amendment, there also I have suggested that duties of Rs. 20 and Rs. ten should be changed into duties of Rs. ten and *nil* ; that is, no duty on British goods and a ten per cent. duty on non-British goods, and then also, I say, I do it in the interest of the consumer. So this is really the principle on which I have made my suggestions, and excepting one point, that is, where I want to omit pig iron on which I believe there is another motion elsewhere and which I will take up later on and in which case I shall propose that the duty on pig iron should be removed altogether. Sir, I have quoted the principle on which I have made my suggestion and I think the time has come when on unfabricated steel we should have no duty on British goods but some specific duty on non-British goods, but in the case of fabricated articles, in the interests of our minor industries, it is desirable that we ought to levy some duty on British goods and also a higher amount of duty on the non-British goods, and I have suggested Rs. ten per ton on British and Rs. 30 per ton on non-British goods. These are really the essence of my amendment and I do not like to make detailed distinctions as are contemplated here in this Bill and are also put down in the Tariff Board Report in which every item

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is divided into about twenty smaller items which is really a very troublesome thing, both to the customs authorities and to the merchants; it is much better that we should give some kind of simple tariff as we used to have before the War; that is, uniform small duty for revenue purpose, and I think we should go back to the simplicity of tariff and I have suggested that this thing would be exceedingly simple if the Government accept it, though I know that on the spur of the moment they may find it exceedingly difficult and they may not be inclined to give any thought to it. Some persons are telling that it is unnecessary to make any speech in this House. The Government have certain majority in their pocket.

Sir, we are here to represent the interests of the consumers and we must have our say on their behalf in full. Before I sit down, I should like to answer one or two points which were raised by several speakers about myself, because although I tried to do it the last time I could not get an opportunity. First of all, I come to my Honourable friend, Sir Cowasji Jehangir. I may tell him one thing—that whenever I hear abuses and curses, I am exceedingly happy and my digestion improves. (Laughter.) Really speaking, whenever I have to speak, I do not take any lunch, but simply on account of abuses hurled at me, I went against my practice and had a good lunch. I have had thirty years of public life, and there was not a day without crisis. Sir, crisis has always been a feature of my routine work. The absence of crisis was to me a crisis. Coming to my Honourable friend, Mr. B. Das, I may tell him that the Tatas never make a mistake against themselves.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The Honourable Member may reply to all these criticisms during the third reading.

**Dr. Ziauddin Ahmad** : Sir, on the third reading there may not be much time and so I wanted to reply to them now. Sir, Government have always got the last word in every motion. We would not have a chance to reply to what Government have said till next motion, which may be entirely different, comes up for discussion. The Honourable the President gave opportunity to reply the Government and other speakers at the next motion. Will you just give me a chance to explain my position? Will you give me an opportunity to reply?

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : If the Honourable Member is brief.

**Dr. Ziauddin Ahmad** : I will take only two minutes. The Finance  
4 P. M. Member really misunderstood me when he sketched out my amendment. My position was simply this that I consider all excise duties to be unhealthy but I am not opposed to the excise duty. In fact, in the case of the sugar industry, when this excise duty was proposed, I actually supported the Government, although that is the only industry in which I am financially interested. What I stand for is that the excise duty should be considered as a problem by itself and any kind of revenue duty which we may impose should not be used for protection purposes. That was the gist of my amendment. Put any kind of revenue duty but do not use it for protection purposes. Then the other thing to which I would like to refer was that my Honourable friend, Mr. Mody, said on the floor of the House that the Govern-

ment gave a threat that if excise duty is opposed, they will withdraw the Bill. This shows how slippery is the ground on which they are standing that they will be prepared to withdraw the Bill if the excise duty is removed. With these words, Sir, I move my amendment.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** Amendment moved :

“ That for the Schedule to the Bill the following be substituted :

‘ THE SCHEDULE.

(See section 3.)

*Amendments to the Second Schedule to the Indian Tariff Act, 1894.*

1. For Items Nos. 143 to 154 the following Items shall be substituted and the subsequent Items shall be re-numbered accordingly, namely—

‘ 143. Iron and steel.

(a) not fabricated—

(i) of British manufacture .. 1-1|3 times the excise duty leviable for the time being on steel ingots produced in British India.

(ii) not of British manufacture .. 1-1|3 times the excise duty leviable for the time being on steel ingots produced in British India *plus* Rs. 20 per cent. *ad valorem*.

(b) Iron and steel—  
fabricated—

(i) of British manufacture .. 1-1|3 times the excise duty leviable for the time being on steel ingots *plus* Rs. 10 per ton.

(ii) not of British manufacture .. 1-1|3 times the excise duty leviable for the time being on steel ingots *plus* Rs. 30 per ton.’

2 In Item No. 235—

(a) in the second column the words ‘ Iron pig ’ shall be omitted ;

(b) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(c) in the fifth column for the figures and words ‘ 10 per cent. ’ the word ‘ nil ’ shall be substituted.

3. In Item No. 236—

(a) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(b) in the fifth column for the figures and words ‘ 10 per cent. ’ the word ‘ nil ’ shall be substituted.

4. In Item No. 237—

(a) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(b) in the fifth column for the figures and words ‘ 10 per cent. ’ the word ‘ nil ’ shall be substituted ’.”

**The Honourable Sir Joseph Bhore :** Sir, in the first place, I should like to congratulate my friend, Dr. Ziauddin Ahmad, for, if, as he says, his digestion improves with criticism, then his digestion must never be out of order. My Honourable friend has enunciated four principles and in regard to these four principles there can be.....



**Dr. Ziauddin Ahmad :** I have enunciated five principles.

**The Honourable Sir Joseph Bhoré :** I very much regret not having heard the fifth, but I have taken down four with very great care. So far as those four principles are concerned, I claim that all of them are in the measure which is now before the House. For instance, two of his principles were to the effect that Tatas should get their 104 lakhs, that they should get their "invisible" profits and that they should get their "latent" profits. Now, Sir, he himself suggested that our Bill embodied these principles, so that I have nothing further to say.

(Dr. Ziauddin Ahmad wanted to interrupt, but the Honourable Member did not give way.)

I will go on with the other two principles. My Honourable friend then enunciated a very wholesome principle. He said that minor industries should be benefited. Well, we have done our very best to see that they will be benefited and we have given certain assurances.

**Dr. Ziauddin Ahmad :** That is just the thing you have not done.

**The Honourable Sir Joseph Bhoré :** Finally, there is the question of the consumer, and, again, I am with my Honourable friend entirely there. Our contention is that we have done our best, as things are, to see that the consumer is in no way unnecessarily penalised and, in fact, the imposition of the excise duty was, as has been pointed out repeatedly from these Benches, conceived in the interests of the consumer. I claim, therefore, that our scheme of protection, as embodied in this measure, gives effect to all the four principles which my Honourable friend has enunciated. My Honourable friend has referred to another point, and on this theoretically I am in entire agreement with him. What he said, I think, was that in the interests of the consumer even revenue duty should not be imposed where protection was not necessary.

**Dr. Ziauddin Ahmad :** I am sorry to interrupt the Honourable Member, but what I said was that the revenue duty should not be used for protection purposes.

**The Honourable Sir Joseph Bhoré :** That, of course, is a truism, but I understood him to say that a revenue duty should not be imposed where protection was not required. Well, Sir, we endeavoured in one case to give effect to that principle but under pressure we had to vacate the position which we had taken up. I would suggest to my Honourable friend that the scheme of protection embodied in this Bill has been arrived at as the result of a very detailed and a very protracted inquiry by an authoritative Tariff Board. Now, I have no doubt that the alternative suggested by my Honourable friend has the merit of great simplicity. But I think he will admit—in fact, he has admitted it in the course of his speech—that it would be quite impossible for Government at a few minutes' notice to substitute a new scheme for the old scheme. I would, therefore, suggest to my Honourable friend that he should write another Tariff Board report. Let him take his time over it, and when he has given it to the House, to the country and to the Government, and when we come to consider this question in five or six years' time, we shall be in a position to accept or reject his new scheme in place of the old one. I am afraid, Sir, that I must oppose my Honourable friend's amendment.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The question is :

“ That for the Schedule to the Bill the following be substituted :

**‘ THE SCHEDULE.**

(See section 3.)

*Amendments to the Second Schedule to the Indian Tariff Act, 1894.*

1. For Items Nos. 143 to 154 the following Items shall be substituted and the subsequent Items shall be re-numbered accordingly, namely :—

‘ 143. Iron and steel.

(a) not fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India.

(ii) not of British manufacture.. 1-1/3 times the excise duty leviable for the time being on steel ingots produced in British India *plus* Rs. 20 per cent. *ad valorem*.

(b) Iron and steel—

fabricated—

(i) of British manufacture .. 1-1/3 times the excise duty leviable for the time being on steel ingots *plus* Rs. 10 per ton.

(ii) not of British manufacture 1-1/3 times the excise duty leviable for the time being on steel ingots *plus* Rs. 30 per ton.’

2. In Item No. 235—

(a) in the second column the words ‘ Iron pig ’ shall be omitted ;

(b) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(c) in the fifth column for the figures and words ‘ 10 per cent.’ the word ‘ nil ’ shall be substituted.

3. In Item No. 236—

(a) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(b) in the fifth column for the figures and words ‘ 10 per cent.’ the word ‘ nil ’ shall be substituted.

4. In Item 237—

(a) in the fourth column for the figures ‘ 20 ’ the figures ‘ 10 ’ shall be substituted ; and

(b) in the fifth column for the figures and words ‘ 10 per cent.’ the word ‘ nil ’ shall be substituted .”

The motion was negatived.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The next amendment (amendment No. 23) stands in the name of Mr. Thampan. The Chair would like to know from the Honourable the Commerce Member whether it proposes increased taxation, and whether it is necessary to have the permission of the Governor General in regard to the proposal contained in this amendment ?

**The Honourable Sir Joseph Bhoré :** Yes, undoubtedly.

**Mr. K. P. Thampan :** Sir, the permission of the Governor General is not necessary for this amendment for the reason that the duties that I propose under my proposal are not higher than the duties that are just at present levied except in one or two cases. There are several instances where the duty would be less than the present rate. I am certain the net effect of the proposal would not be increased in the present revenue. It is only in cases where the proposal is for a higher rate that the sanction of the Governor General in Council is necessary.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** The Commerce Member has said that the net effect of this amendment will be an increase in the proposed taxation and for this reason the sanction of the Governor General is necessary. The Governor General has withheld his sanction. The amendment is, therefore, out of order. The next amendment stands in the name of Dr. Ziauddin Ahmad.

**Dr. Ziauddin Ahmad :** Sir, I beg to move :

“ That in the Schedule to the Bill, in the proposed Amendment No. 1, in the third column of Item No. 142 (b), for the figures ‘ 40 ’ the figures ‘ 30 ’ be substituted.”

Sir, my intention was that the duty that we have imposed on non-British goods is too high. To my mind, this Rs. 40 that I have imposed is a kind of prohibitive duty and there is a good deal of talk among the merchants that if this duty on non-British goods is accepted, there will be no trade left with the non-British countries and we will be put in a very difficult position. I quite agree that we should impose a sufficient protection, but the protection should not be so heavy as to prohibit the import of non-British goods altogether. Now, if we really want to decide that non-British goods should not come into this country, then this is not the method of dealing with the problem. We cannot afford to practically give up our connections with all non-British countries in Europe. We must find a market for our production and we must have a favourable balance of trade in order to give 72 crores to the United Kingdom for all our commitments. These tariff duties leave us in a position that our trade with non-British countries will stop altogether, then we will be in a very unfortunate position. We will not be able to sell our goods in outside markets. I got a telegram this morning, in which it is said, that Germany is contemplating taking some action in this matter and, I think, instead of having a very heavy duty it would be better if we give some kind of quota to these countries so that they may not be able to import more than we require. The practical way of dealing with these protective duties would be this. We know our requirements is in the neighbourhood of 1,300,000 tons. That is the consumption of India in normal times. It has substantially diminished on account of depression and high prices. Then, out of this, the Tatas may produce about 600,000 tons. We have got a margin of about 700,000 tons which we have to import from outside. We can give a quota to all the countries without applying heavy tariff which is practically not needed. The other countries will themselves equalise the price. The fair selling price should be a price on which ten per cent. profit is given. My Honourable friend, the Commerce Member, said clearly on this point, that the Tariff Board figures are very well calculated. Unfortunately, he has placed us in a position when we cannot challenge his figures because he has not given the evidence or any material to us. He has placed us in the position of a man without legs and limbs.

We have to take the figures of the Tariff Board for granted, because we have no other data to go by. As regards the premises on which their calculations are based I challenge them. One of their premises is, that interest at six per cent. should be calculated on working capital. I submit this is too much, it ought to be four per cent. The second premise that I challenge is, that they have given Tatas a clear profit of 100 lakhs on the ground that shareholders should at least get eight per cent. profit. On a sum of 12½ crores it comes to 100 lakhs. This figure again I challenge. A clear profit of 100 lakhs is not what we can afford to pay. In these days a profit of five or six per cent. is good enough. A profit of eight per cent. is abnormal. We should begin the other way. We give them a profit of ten per cent. on working cost. Those Honourable Members who are engaged in industry will be able to tell us whether a profit of ten per cent. on working cost, in any undertaking, is not good enough. I gave some figures last time that their profit varies from 15 per cent. to 40 per cent. We are giving enormous profit to the Tatas. This is the premise of the Tariff Board which I challenge. The Tariff Board gives them eight per cent. on their capital of 12½ crores, and this is a thing which the consumers of India are asked to contribute. Though I do not challenge the figures, yet I challenge the premises on which these figures are based. Therefore, on that particular ground, they are not justified.

The next point I would like to point out is that the Tariff Board has given a fair selling price, but it has not given any machinery by means of which we can see whether Tatas will sell articles at the calculated fair selling price. Will it only remain on paper and will it ever be observed in practice? Neither the Tariff Board nor the Government have suggested anything in this Bill which will go to show that the Tatas will actually sell articles at a fair selling price. I submit that if this is not observed, the Tatas would sell their goods at the price at which the duty paid imported articles would be introduced into this country and, thereby, the Tatas will get an additional profit of 113 lakhs which I called invisible profits. My Honourable friend, the Commerce Member, may say anything in this House, but the country which is behind us will judge the Government by the results. This enormous sum of 113 lakhs we cannot afford to part with. The fact remains, that no machinery is suggested in the Tariff Board report or in this Bill by means which we can see that the Tatas will sell their articles at the scheduled fair selling price which has been calculated for them. Any merchant will verify what I say, namely, that the Tatas will sell at the price at which the foreign articles will be landed duty paid in Bombay. Any customs duty which we will impose on these articles will add to the price of these articles and will add to the actual selling price at which the Tatas would sell. These are facts which my Honourable friend cannot ignore entirely. He may befool us for sometime, because he has got votes in his pocket, but the country which is behind us will judge the action of the Legislature and will see that we are providing no machinery and we are deliberately putting additional burden of 113 lakhs on consumers. I have calculated this figure item by item and I have given in tabulated form in my first speech. I called this sum of 113 lakhs as "invisible profit" to Tatas. You cannot ignore these facts. I wish your invisible profit or the difference between the selling price and the price at which these articles will actually be sold be the minimum possible, because you must take it for granted that the Tatas will never sell these articles at a fair selling price. This fair selling

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price will only be on paper just like your centre of gravity which never exists except in the mind of the mathematician. I, therefore, submit, that the fair selling price does not exist in the market, it only exists in the Tariff Board report or buried in the Commerce Department. The Tatas will never sell at a fair selling price. They will sell at a price at which the imported articles after paying the customs duty will be landed in the country. I have emphasized this point time after time that the Bill does not provide us any machinery to enforce that the fair selling price should be *de facto* price. Any duty, which you will impose on these articles, will add to the protection and add to the fair selling price immediately, because, as soon as we put any duty on the imported article, the price of that article will go up and the Tatas will sell their goods at that price. I, therefore, submit, that the Government should put an end to this chance and they ought to see that the Tatas do not sell at a price higher than the fair selling price that has been fixed. If this machinery is not provided, and if the Government do not care to provide these things, then it will be very unfair to the consumers. Sir, in this particular case I will give you one illustration.

A legal practitioner when he reaches the highest stage in his profession, his clients on either side pay him fees in order that he may not be engaged by the other side. It is a kind of negative reduction fee. I have seen legal practitioners who are paid simply for the fact that they may not appear for the opposite side. This is the highest of the progress of a legal practitioner. Similarly, in the case of thieves and dacoits, the highest point they could reach is when they never do dacoities but they regulate dacoities and they see that dacoities are committed and their proper share comes in. Similarly, the Government are reduced to this position of the highest form of dacoits and they allow the Tatas to rob the consumers of the country provided the share of the Government in the shape of excise duty is paid to them. This is the tax which the Government are paid by the Tatas because as my Honourable friend, Mr. Mody, pointed out, and the Government have not challenged that, the Government said very clearly that they would not allow this Bill to go through unless the excise duty is paid up. That is really dacoity. The Government do not commit dacoity but they ask others to rob the consumers and they share the profit. That is the position to which we have been reduced. With these words I move my motion.

**Mr. Deputy President (Mr. Abdul Matin Chaudhury) :** Amendment moved :

"That in the Schedule to the Bill, in the proposed Amendment No. 1, in the third column of Item No. 142 (b), for the figures '40' the figures '30' be substituted."

**The Honourable Sir Joseph Bhore :** Sir, as I think that this amendment is very analogous to a large number of amendments standing in the name of my Honourable friend in which he seems to have substituted one figure for another somewhat at random, it will, I think, be advisable for me once and for all to state the position of Government with respect to such substitutions, so that it may be unnecessary for me later on, when other similar motions are moved, to repeat what I have said on this occasion.

Now, Sir, my Honourable friend has substituted the figure "30" for the figure "40". I contend that that is a substitution which has no

scientific basis whatsoever. It is simply a substitution of one figure for another. The figure "40" may be high,—I do not say that it is not,—but the figure "40" was arrived at by the Tariff Board after a complete examination of the case and after a complete scrutiny of the figures involved. It has a scientific basis and it is something which can be logically supported and understood. If we depart from the very definite scheme such as the Tariff Board has adopted, we shall never know where we are. It is for that reason that I consider that we are absolutely bound to adopt the figures in the Tariff Board report unless, as I have said on more than one occasion, it is shown that those figures are incorrect or have been reached by incorrect processes.

Now, the only point which my Honourable friend has really raised in connection with the calculations of the Tariff Board is the allowance for interest which the Tariff Board has made in calculating the fair selling price. It has allowed interest at the rate of six per cent. on working capital and it has allowed a profit of eight per cent. on the total capital at charge. Now, Sir, certainly opinions may differ in regard to the reasonableness of these figures, and I do not quarrel with my Honourable friend for holding the opinion that these figures are on the high side. But the Tariff Board has given the fullest possible reasons for proceeding upon that basis. Apart entirely from other reasons there is one which has possibly escaped my Honourable friend. One of the reasons definitely stated is that these figures allow for unforeseen contingencies. I understand that, in the course of the inquiry, 'Tatas' Representatives demanded a specific provision for unforeseen contingencies and the reply of the Tariff Board was, "No; we have given you a generous allowance. We have calculated your profit at what we consider is a generous figure and that should cover you against any unforeseen accidents that may occur which may reduce your profits". I think, Sir, that having regard to that explanation it cannot be said that the figures on which the Tariff Board proceeded are unreasonable; and if, we assume that they are not unreasonable, then we are driven to the inevitable conclusion that these figures which have been arrived at as a result of calculations based upon those assumptions must be accepted unless and until we can substitute them by others on an equally scientific basis. The more random substitution of one figure for another is, I submit, not a scientific procedure. For that reason, I must oppose this and other similar amendments which stand in the name of my Honourable friend.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 1, in the third column of Item No. 142 (b), for the figures '40' the figures '30' be substituted."

The motion was negatived.

**Dr. Ziauddin Ahmad** : Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed Amendment No. 2, in the third column of Item No. 143 (a) (i), the words and figures 'or 10 per cent. *ad valorem*, whichever is higher,' where they occur for the first time, be omitted."

This is one of the most important amendments which I should like to move and it is not of the nature of the previous amendments. My Honourable friend repeatedly said that he followed the Tariff Board literally. But he follows the Tariff Board whenever it suits him and he does not follow

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the Board when it does not suit him. In this particular case he has not followed the Tariff Board. Am I not correct in that ?

**The Honourable Sir Joseph Bhoré :** Certainly in the original Bill we followed the Tariff Board.

**Dr. Ziauddin Ahmad :** In this particular Amendment the Tariff Board report has not been followed.

**The Honourable Sir Joseph Bhoré :** My Honourable friend is completely wrong. Government followed the Tariff Board report in their original Bill, and this alteration which he now wants to remove was put in by the Select Committee.

**Dr. Ziauddin Ahmad :** Thank you very much. I thought the Select Committee is intended to reduce the rate. I never heard, except in one solitary example of hosiery, that the Select Committee have come forward to increase taxation and give additional protection and Government readily accepted them. After all, the Tariff Board report has made exact calculations and on the strength of those my Honourable friend drew up the Bill according to the recommendations of the Tariff Board. They calculated the exact amount of protection which ought to have been given and Government suggested the same amount in their original Bill. But for some reason or other, which we do not know and which has been hinted on the floor of the House, Government changed their mind and acceded to the request of Tata's and increased the amount of protection by an amount which is practically equivalent to rupees five per ton. That is practically the additional protection which they have given. Now I have to argue in the first place that the Select Committee was certainly wrong in increasing the protection which had been so carefully calculated by the Tariff Board and on which Government always stand. And, whenever we put forward any argument, the only reply we get is that it is the recommendation of the Tariff Board. Cannot we say, following that same argument, that they ought to follow the recommendation of the Tariff Board in this case also and ought not to have imposed this additional protection ? After all, we have seen many times that the Select Committee recommended certain alteration, but if Government thought that they were not correct, they came forward with amendments on the floor of the House to restore their original recommendations and upset the recommendations of the Committee. Did they not do it in the case of Sugar Bill and in Reserve Bank Bill and in many other cases ? No attempt like that has been yet made in this case and what is the conclusion that we are going to draw ? We may shut our mouths but the country is not a fool and the whole world is not a fool. They understand all the implications of this particular thing and, I think, Government have not done justice to the minor industries. They have not done justice to the consumers by imposing in the Select Committee this additional burden on the consumers, that is, increasing the amount of protection. It was hinted by somebody—but it was denied—that no compromise was made : I do not know ; I was not in the Select Committee and I do not want to refer to any action of the Select Committee, but there are the facts which remain and which nobody can challenge. The first is that the excise duty was vigorously opposed by the supporters of Tatas, but in the voting today we have seen that they are not now opposed to it : they are in favour of the excise duty. This change of mind is a fact which cannot be denied. The second thing that we see is that contrary to all principles the Government have agreed that the amount of

protection should be increased as put down in this revised Bill. The supporters of Tatas have changed their mind as regards the excise duty and the Government also have changed their mind and increased protection. It is not for me to draw any inference. But facts are there, call it compromise or no compromise between Tatas and the Government. We cannot understand it. As this has been recommended by the Select Committee, I thought some Member of the Government would come forward and move an amendment that this should be deleted : it ought not to have been left to the Opposition to delete this additional duty. This creates enormous doubts in the minds of the people of India because after all they watch the situation very closely : a large number of people are interested in the use of steel : they are consumers of steel and they would like that the price of steel should be as cheap as possible ; but when we come here and increase the burden by the excise duty and by this additional protection, it will not be intelligible to any person outside. Of course we may shut our eyes and we may not speak out anything here ; but the country will not remain silent : the country will judge the results and will watch the situation very carefully. They see it very clearly. I say that we are giving a clear profit of 250 lakhs or Rs. 2½ crores per annum to Tatas already. This is a thing on which I challenge any person to prove that I am not right—104 lakhs by visible taxation, and 113 lakhs by the difference between fair selling price and the price at which it will actually be sold and they are bound to sell it at the imported price ; and, then, again, there are latent profits here which we have not taken into consideration and which we have no means to judge. My friend has brought in unforeseen circumstances and it is demanded that special allowance should be made for this also. This reminds me that once the King of Oudh gave the revenues of five districts for the expenses of betel-nut—*pan dan ka kharach*—and this is really like that : for an emergency a big revenue duty is laid to provide for the unforeseen circumstances that might possibly arise. I say in reply, that we have already provided 78 lakhs a year in the name of depreciation fund—quite sufficient to meet emergencies ; and there is no further provision necessary to further increase protection. I am afraid, therefore, that the Government have lost their case altogether by increasing the duty in this particular case. They have been asking us that we should follow the Tariff Board Report blindly : they have themselves accepted that principle. We did not want to follow blindly, but they have placed us in that position by not placing in our hands the balance sheet of Tatas or the evidence laid before the Tariff Board, not even representations submitted to the Government, that we have no alternative but to follow the Tariff Board Report blindly, what is the reason or justification for the Government to increase the duty in this particular case ? We have accepted the principle that we should follow the Tariff Board Report blindly, though it is not the right thing to do—we cannot leave the destinies of the consumers of India in the hands of these two or three persons whose previous records are familiar to us ; I think their recommendations ought to have been critically judged and criticised by the Government of the country who represent not only the bigger industries, who represent not only one kind of interest, but who represent the interests of the people of India as a whole and who are the only guardians of the people of this country. When the Government brought forward the Safeguarding Bill, I said myself on that particular occasion about the Government :

“ I very much appreciate the Bill and I give my whole-hearted support to it and I hope that the Commerce Member will prove, as my friend, Mr. Mitra said, a



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benevolent despot and will look after the interests not only of the bigger industries of Bombay and Calcutta, but also the smaller industries which are not very vocal and not represented by influential Members of the Assembly."

But our experience compelled me to modify my opinion about the whole theory of protection and of Government. I make no secret of it. Sir Joseph Bore himself said on the floor of the house, that he would agree to a thing if it was initiated by Mr. Mody, but he would not accept it if it was initiated by me : he said that in reply to a question on the floor of the House, and, therefore, it becomes exceedingly difficult if we do not take into consideration the real facts but only who has said it. ....

**Mr. H. P. Mody** : I do not remember any such thing.

**Dr. Ziauddin Ahmad** : I will show it from the proceedings : there is an old proverb which has really come from Imam Ghazali to this effect : " look at what has been said and do not look on who has said it ". That is, we must consider the substance of the arguments and not the person who has said it. That is really the principle on which we should act. But the Commerce Member's view is just the reverse. We are, therefore, placed in an exceedingly difficult position and it becomes very difficult to safeguard the consumers' interests. Their interests can only be safeguarded by the Government of the day ; they plead for mercy ; they plead that their interests should be borne in mind more prominently than the interests of the capitalists. That is the only request I make : But in any case of a protection Bill, offer protection, but have some mercy on the consumers of this country, on the poorer population of India, and not take into consideration only the interests of the capitalists. We have given eight per cent., on what I call the visible expenditure ; and, if you calculate the whole interest, we are giving some 20 per cent. to Tatas : this is an amount of protection which is certainly not justifiable. I do not agree with Mr. Anklesaria when he said that it was 1,200 per cent.—I think he was working in astronomical field that was rather too heavy ; but, still under this Bill, 18 to 20 per cent. is secured if the Bill is allowed to pass as it is. With these words, I move my amendment.

**Mr. Deputy President** (Mr. Abdul Matin Chaudhury) : Amendment moved :

" That in the Schedule to the Bill, in the proposed Amendment No. 2, in the third column of Item No. 143 (a) (i), the words and figures ' or 10 per cent. *ad valorem*, whichever is higher,' where they occur for the first time, be omitted."

**Maulvi Muhammad Shafee Daoodi** : Sir, when the Report of the Select Committee came to our hands, we found that in paragraph 3 sub-clause (2) of the Report, there was a duty of ten per cent. *ad valorem* imposed on item No. 143 (a) (i). It struck me at the time as to how this increased duty could be proposed by the Select Committee. I find from the discussions that have taken place so far, in this House, that the Tariff Board view on this point was that a duty of 1-1/3 times of the excise duty, leviable for the time being on steel ingots produced in British India, could be levied. That would come to about Rs. 5-5 and some pies. Now, by the change proposed by the Select Committee it comes to much higher than that amount. I do not think this calculation can be doubted, I mean the amount proposed by the Select Committee is higher than what was proposed by the Tariff Board. Now, Sir, no reason has been assigned in the Report of the Select Committee as to why this change was made, and one

would certainly expect that when a change is made by the Select Committee in the original Bill, that cogent reasons would be advanced for effecting such a change. I just now heard the Honourable Member in charge of the Bill say that this was of course a change made by the Select Committee. Up to this moment, I do not know what led to this change, and I hope that the rules which apply to Non-Official Members and which prohibit them from raising the duty originally proposed also applies to Government Members, and in this case they should not be allowed to raise the duty. With these words, Sir, I support the amendment of my friend, Dr. Ziauddin Ahmad.

**Seth Haji Abdoola Haroon** (Sind : Muhammadan Rural) : Sir, after listening to the interesting speech of my Honourable friend, Dr. Ziauddin Ahmad, I find that I cannot but agree entirely with the observations he has made. In the previous Bill we saw that the duty was 1-1/3 more than the excise duty, which means about Rs. 5-5-4, whereas, according to the present Bill, which the Select Committee have placed before us, the duty will be Rs. 5-5-4 or ten per cent. *ad valorem*, whichever is higher. I do not know the present price of steel and steel products, but I imagine it is somewhere about Rs. six per cwt. If that is so, then the ton price is Rs. 120. If you calculate the duty at ten per cent. *ad valorem*, the new duty will come to about Rs. 12 per ton, whereas the proposed duty is Rs. 5-5-4, which again means an increase of duty of about Rs. 6-12-0 to Rs. seven on the goods. Well, when the import duty is higher than the selling price in the market of goods of British manufacture, then they must be sold at Rs. seven per ton. The Tariff Board have given protection to the extent of about Rs. 5-5-4 to Tatas. According to this clause, you are giving Rs. 12 per ton, which means Rs. seven more protection per ton. If I am correct, Sir, if the market price I have calculated is correct,—I do not know what is the present market price,—then Tatas will surely be benefited. My friend, Dr. Ziauddin Ahmad, said that protection to Tatas is being given in several ways, visible, invisible and latent, and, therefore, it seems to me that this is latent protection which is being given by this House to Tatas. Sir, I consider it is very unfair to the consumer that Government should give such concessions to Tatas at the expense of the poor consumers. With these few words, I support this amendment.

**The Honourable Sir James Grigg** : Sir, I could hardly believe my ears when I heard the three Honourable Members attacking the Government for having in the Select Committee introduced this amendment. In the debate on the 1st August last, I sought to defend the position which the Government had taken up in following the recommendation of the Tariff Board's Report. I was attacked from all sides of the House, by the Leaders of every Party, and did a single one of the Honourable Members get up and support the Government? No, not a word, and now when the Government give way to their Leaders, they get up and attack the Government for doing so. I notice their Leaders are not here. Possibly it is a case of "when the cat is away the mice are having a game of their".

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

It might be pointed out that the proposal of Dr. Ziauddin Ahmad is to revert to Government's original proposal. The Government's original

[Sir James Grigg.]

proposal was, as I sought to explain previously, conceived in the interests of subsidiary industries, but what became clear was that the people who made a great fuss about those proposals were those very subsidiary industries themselves. And that was the reason why the Government in the Select Committee modified their original position and accepted a scheme which quite clearly, from all that has gone on in the press and in this House, commended a much wider measure of support than their original proposals. One of the numerous Chancellors of the Exchequer, whom I had the honour to serve, used to make use of a phrase when he tried to persuade the people to accept various forms of taxation for their own good—"you cannot force little dogs to eat mutton". That is the position here. It may or may not be a matter of regret that the substituted proposal which the Government have now adopted will injure the British manufacturer, that it will put a few lakhs into the pockets of Tatas at the expense of the subsidiary industries, but clearly our prime motive was to benefit those very subsidiary industries, and when it became plain that these people did not appreciate the gifts designed for them and refused to receive them, the ground was cut from beneath the feet of the Government. The amendment now made in the Bill simply means that the Government acquiesced in the views of the people they intended to benefit and who were not in the least grateful for the benefits designed for them. That is the position. There having emerged from the Select Committee a scheme, which obviously commands a much wider measure of support than the original one, although the modifications are comparatively small, I think now it is too late for the Government to go back to their original proposal, and, therefore, although it was the Government's original proposal,—and some of us may regret that we have been forced to recede from it,—Government certainly cannot accept the amendment now proposed.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed Amendment No. 2, in the third column of Item No. 143 (a) (i), the words and figures 'or 10 per cent. *ad valorem*, whichever is higher,' where they occur for the first time, be omitted."

The Assembly divided :

#### AYES—8.

Abdoolah Haroon, Seth Haji.  
Badi-uz-Zaman, Maulvi.  
Ismail Ali Khan, Kunwar Hajea.  
Murtuza Saheb Bahadur, Maulvi

Pandya, Mr. Vidya Sagar.  
Sadiq Hasan, Shaikh.  
Shafee Daoodi, Maulvi Muhammad.  
Ziauddin Ahmad, Dr.

#### NOES—59.

Abdul Aziz, Khan Bahadur Mian.  
Abdul Matin Chaudhury, Mr.  
Ahmad Nawaz Khan, Major Nawab.  
Ali, Mr. Hamid A.  
Allah Baksh Khan Tiwana, Khan Bahadur Malik.  
Anklesaria, Mr. N. N.  
Bajpai, Mr. G. S.  
Bhadrapur, Rao Bahadur Krishna  
Baddi B.

Bhore, The Honourable Sir Joseph.  
Brij Kishore, Rai Bahadur Lala.  
Buss, Mr. L. C.  
Chatarji, Mr. J. M.  
Chinoy, Mr. Rahimtoola M.  
Craik, The Honourable Sir Henry.  
Dalal, Dr. R. D.  
Duguid, Mr. A.  
Grantham, Mr. S. G.  
Grigg, The Honourable Sir James.

Hockenfull, Mr. F. W.  
 Hudson, Sir Leslie.  
 Ibrahim Ali Khan, Lieut. Nawab  
 Muhammad.  
 Jadhav, Mr. B. V.  
 James, Mr. F. E.  
 Jawahar Singh, Sardar Bahadur Sardar  
 Sir.  
 Kamaluddin Ahmad, Shams-ul-Ulema  
 Mr.  
 Lal Chand, Hon. Captain Rao Baha-  
 dur Chaudhri.  
 Lindsay, Sir Darcy.  
 Lumby, Lieut.-Colonel A. F. R.  
 Mahapatra, Mr. Sitakanta.  
 Metcalfe, Mr. H. A. F.  
 Mody, Mr. H. P.  
 Morgan, Mr. G.  
 Mujumdar, Sardar G. N.  
 Mukherjee, Rai Bahadur Sir Satya  
 Charan.  
 Nihal Singh, Sardar.  
 Noyce, The Honourable Sir Frank.  
 Paudit, Rao Bahadur S. R.  
 Perry, Mr. E. W.

Rafuddin Ahmad; Khan Bahadur  
 Maulvi.  
 Raghubir Singh, Rai Bahadur Kunwar.  
 Raisman, Mr. A. J.  
 Rajah, Rao Bahadur M. C.  
 Ramakrishna, Mr. V.  
 Ranga Iyer, Mr. C. S.  
 Rastogi, Rai Sahib Badri Lal.  
 Rau, Mr. P. R.  
 Richards, Mr. W. J. O.  
 Row, Mr. K. Sanjiva.  
 Scott, Mr. W. L.  
 Sher Muhammad Khan Gakhar,  
 Captain.  
 Singh, Mr. Pradyumna Prashad.  
 Sircar, The Honourable Sir Nripendra.  
 Spence, Mr. G. H.  
 Studd, Mr. E.  
 Trivedi, Mr. C. M.  
 Yakub, Sir Muhammad.  
 Yamin Khan, Mr. Muhammad.  
 Zakaullah Khan, Khan Bahadur Abu  
 Abdullah Muhammad.  
 Zyn-ud-din, Khan Bahadur Mir.

The motion was negatived.

**Seth Haji Abdoola Haroon :** Sir, I rise to a point of order, and that has already been mentioned in the speech of my Honourable friend, Maulvi Muhammad Shafee Daoodi. That point is whether the Select Committee can raise the duty as proposed in the original Bill without the Governor General's permission.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : In the first page of the Select Committee's report, under the heading "The Schedule entries Nos. 2, 3, 8 and 16", in the last sentence of that paragraph, the Honourable Member will find that sanction has been obtained.

There is evidently some confusion in the minds of Honourable Members as to the validity of certain amendments. Where there is already an existing duty, if the amendment simply seeks to restore the *status quo*, that is to maintain the existing duty, that amendment is in order and will not require the sanction of the Governor General, even though it may be an increase on the proposed duty. It is only where the amendment would increase, not merely the proposed duty, but would increase the existing level of duty, that the sanction of the Governor General would be required.

**Mr. T. N. Ramakrishna Reddi :** Sir, I beg to move :

"That in the Schedule to the Bill, in the proposed amendment No. 2, in the third column of Item No. 143 (a) (i), for the words and figures 'or 10 per cent.' the words and figures 'plus 10 per cent.' be substituted and the words 'whichever is higher', wherever they occur, be omitted."

Sir, this amendment would have exactly the opposite effect to that of the previous amendment. Here I have only sought to give effect to the countervailing duty that is imposed on the structurals. That is contemplated in item No. 43. The Government have decided to impose an excise duty on the steel ingots produced in India and at the same time they have stated that they are levying a countervailing import duty over

[Mr. T. N. Ramakrishna Reddi.]

the foreign imports in order to balance the burden. In the Bill, as amended by the Select Committee, the structurals are liable to revenue duty of ten per cent. Now, if the countervailing duty is levied upon those structurals as an alternative to revenue duty the effect will be the countervailing duty per ton being lower than the ten per cent. revenue duty, the countervailing duty will have absolutely no effect and hence it will benefit the foreign importers. My amendment only wants to give effect to the recommendations of the Government themselves. With these words, I move my amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

"That in the Schedule to the Bill, in the proposed amendment No. 2, in the third column of Item No. 143 (a) (i), for the words and figures 'or 10 per cent.' the words and figures 'plus 10 per cent.' be substituted and the words 'whichever is higher', wherever they occur, be omitted."

**Mr. K. P. Thampan** : On a point of order. When I moved my amendment No. 23, which is the same as this amendment, the Deputy President ruled me out on the ground that the sanction of the Governor General was not obtained. I wonder.....

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Chair is always the Chair, whether it is the President or the Deputy President.

**The Honourable Sir James Grigg** : This amendment is one of a series designed to make the import duty to countervail the excise duty on ingots additional to the revenue duty and not merged in it. The sole effect of that, in the case of tested steel, is to increase the duty against the consumer. On a rough calculation which I have made, the only effect will be to put into the pockets of Tatas anywhere between 12 and 16 lakhs and to take much more than that out of the consumer. A good deal of lip service has been paid to the consumer's interests from the Benches opposite but not much real attention has been paid to him. In this instance, the Government are going to attend to the interests of the consumers and resist these amendments. It gives entirely unnecessary protection to Tatas. It gives them an entirely gratuitous gift of quite a considerable number of lakhs and takes even more than that number of lakhs out of the consumer.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

"That in the Schedule to the Bill, in the proposed amendment No. 2, in the third column of Item No. 143 (a) (i), for the words and figures 'or 10 per cent.' the words and figures 'plus 10 per cent.' be substituted and the words 'whichever is higher', wherever they occur, be omitted."

The motion was negatived.

**Dr. Ziauddin Ahmad** : Sir, my amendment is :

"That in the Schedule to the Bill, in the proposed amendment No. 2, in the third column of Item No. 143 (a) (ii), for the figures '43' the figures '10' be substituted."

Sir, the figure 43, I thought, was rather too high because it works out a duty of 66 per cent. *ad valorem*, which was not very justifiable but I put down the figure 10 in view of the fact that my proposal No. 25 may be accepted. Therefore, since No. 25 has not been accepted, I do not move my present amendment.

**Mr. T. N. Ramakrishna Reddi :** Sir, I move :

“ That in the Schedule to the Bill, in the proposed Amendment No. 3, in the third column of Item No. 144 (i), after the words ‘ *ad valorem* ’ the words and figures ‘ *plus 1½* times the excise duty leviable for the time being on the steel ingots produced in British India ’ be inserted.”

Here also I seek to raise the duties on the foreign imports by making the countervailing duty as an addition to the revenue duty and not as alternative as proposed in the Bill. For the same reasons which I adduced in my previous amendment, I move this amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in the Schedule to the Bill, in the proposed Amendment No. 3, in the third column of Item No. 144 (i), after the words ‘ *ad valorem* ’ the words and figures ‘ *plus 1½* times the excise duty leviable for the time being on the steel ingots produced in British India ’ be inserted.”

**The Honourable Sir James Grigg :** Sir, my comments on this proposal are exactly the same as on the Honourable Member's last proposal. Government are not prepared to accept an amendment which gives an unnecessary protection to Tatas and which unnecessarily takes money out of the consumers' pockets.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in the Schedule to the Bill, in the proposed Amendment No. 3, in the third column of Item No. 144 (i), after the words ‘ *ad valorem* ’ the words and figures ‘ *plus 1½* times the excise duty leviable for the time being on the steel ingots produced in British India ’ be inserted.”

The motion was negatived.

**Dr. Ziauddin Ahmad :** Sir, I beg to move :

“ That in the Schedule to the Bill, in the proposed Amendment No. 8, in the third column of Item No. 147 (a) (i), the words and figures ‘ or 10 per cent. *ad valorem*, whichever is higher ’, where they occur for the first time, be omitted.”

Sir, this amendment is practically the same as amendment No. 25. I do not like to make a fresh speech ; the same speech, as was delivered on the previous occasion, may be taken to be delivered on this occasion also. (Laughter.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in the Schedule to the Bill, in the proposed Amendment No. 8, in the third column of Item No. 147 (a) (i), the words and figures ‘ or 10 per cent. *ad valorem*, whichever is higher ’, where they occur for the first time, be omitted.”

The same speech ? (Laughter.)

**The Honourable Sir James Grigg :** The same speech, Sir.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in the Schedule to the Bill, in the proposed Amendment No. 8, in the third column of Item No. 147 (a) (i), the words and figures ‘ or 10 per cent. *ad valorem*, whichever is higher ’, where they occur for the first time, be omitted.”

The motion was negatived.

**Dr. Ziauddin Ahmad :** I do not want, Sir, to move amendment No. 32 on account of the same reasons, because this is really a consequential amendment on the one regarding reduction of the ten per cent. duty.

**Mr. T. N. Ramakrishna Reddi :** Sir, I beg to move :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (i), for the words and figures ‘ Rs. 11 per ton ; or 10 per cent. *ad valorem*, whichever is higher ’ the words and figures ‘ Rs. 32 per ton ’ be substituted.”

This amendment No. 33, as also amendments Nos. 35, 36, 37 and 38, all refer to galvanized sheets. I propose by these amendments to equalize the protective duty both on the British galvanized sheets as well as the continental galvanized sheets. Sir, I do not oppose any preferential treatment to the British goods if it does not affect our industries in this country ; and it is obvious by the fact that I have not moved any amendment for the preferential treatment of British goods in connection with other articles in the Schedule. Sir, in this particular instance of galvanized sheets, the Tariff Board has departed from its orthodox method by calculating the protective duty that is necessary for the indigenous article.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Not galvanized sheets—black sheets.

**Mr. T. N. Ramakrishna Reddi :** They may be converted into galvanized sheets—that is why I am moving all these amendments, with your permission.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The Honourable Member may move this as a test amendment of his case for equalising his duties and then he may decide whether to move the other amendments or not.

**Mr. T. N. Ramakrishna Reddi :** However, I shall make a speech when I come to the question of the galvanized sheets and so I content myself with moving this amendment stating that the duties on Continental imports as well as the British imports should be made equal.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (i), for the words and figures ‘ Rs. 11 per ton ; or 10 per cent. *ad valorem*, whichever is higher ’ the words and figures ‘ Rs. 32 per ton ’ be substituted.”

**The Honourable Sir James Grigg :** Sir, this is a proposal to equalize the duties on Continental and British sheets. A considerable case against this could be made out on Ottawa grounds, but I shall, in order to avoid any misapprehension, deal with it purely from the point of view of the Indian consumer. Now for this purpose it will be necessary for me to use a few figures. The bases of the Tariff Board recommendations are a landed price for British black sheets of Rs. 119, a landed price for continental sheets of Rs. 97, and a fair selling price for Tatas in each case of about Rs. 130. Now, this amendment proposes to equalize the duties at Rs. 32 per ton. That raises the landed price of duty-paid United Kingdom sheets to Rs. 151 and the landed price of continentals to Rs. 97 + 32 = Rs. 129. What it means is that as Tatas have a limited capacity for sheets and cannot with their present plant supply the whole of the Indian market, the whole of the margin automatically goes to continental sheets. The continental exporters will put up their price to Rs. 150, just enough to get underneath the British price and that means that the consumer, instead of paying a fair price of Rs. 130 for his

supplies, will have to pay Rs. 150,—and you do not suppose in these circumstances Tatas are going to sit still and sell their sheets for Rs. 130. No, they will sell theirs for Rs. 150 or Rs. 149 and, therefore, in each case Rs. 19 a ton is unnecessarily being taken out of the consumer and being put partly into Tatas' pockets who thus get an unearned increment without their turning a hand, and a similar figure per ton into the pockets of the continental exporter, and you cut completely out of the market the British exporter. You have thus done severe damage to the Indian consumer, through the abolition of the differential, to the extent of Rs. 19 a ton. That does not seem to me to be very good business! Sir, I oppose the amendment.

**Mr. B. Das :** Sir, so many fallacious arguments have been advanced by the Honourable the Finance Member that I am compelled to speak a few words. Sir, this love for the consumer is a theory which has gone deep into the minds of the Treasury Benches. I may remind the House how, when the first steel protection was given, it was in the Select Committee that my Leader, Mr. K. C. Neogy, fought for the consumer and wanted that there should be no protection of galvanized sheets, and, at that time, although the Tatas were not producing a ton of galvanized sheets, in order to help the Government exchequer, they put a heavy revenue duty. In 1927, when Sir Charles Innes moved his second Steel Protection Bill, he acknowledged his defeat before Mr. Neogy. He said— at least virtue and patience had been rewarded, and there was a reduction of duty on the galvanized sheets : and today, Sir, to trot out the interests of the consumers and at the same time to say that British galvanized sheets will also be affected, is absurd. Sir, to me and to the country at large, it is the British galvanized sheets that is the main thing that is in the minds of the Treasury Benches. Sir, the differential duty in 1927 has completely ousted the continental galvanized sheets from the Indian market and today Tatas might make a headway, and—I am divulging no secret, although my Honourable friend, Sir Leslie Hudson, pointed out that I had not understood the true spirit and significance of the difference between a differential duty and a preferential duty, I advocated the argument in Select Committee that the differential duty which the Tariff Board has designed is nothing but a preferential tariff for British steel sections. Although my Honourable friend, Mr. Mody, was very silent at that time, when the galvanized sheets problems were being discussed, he brought forward a similar argument and said that the Tariff Board has not assessed a differential tariff but that it is a preference to British sheets. So, I felt that the arguments that I advanced for the whole scheme that has been designed by the Tariff Board and the Government are correct, because Mr. Mody, being modest and virtuous, did not like to put forward those arguments in the case of all steel sections. So, Sir, after ten years Government have not handicapped the consumer. It was the late Mr. Alexander from Madras who always used to plead that the duties on the galvanized sheets should be reduced, but, at that time, Government had no words to say because they were in need of money. I am sure the Steel Company never advocated protection of galvanized sheets in 1924. In 1927 it was reduced. Of course, the Finance Member has said that he is thinking of the consumer, but I do not know where is his consumer, I mean the masses, for whom the heart of the Government bleeds so much? Where does he exist and where is the money in his pocket to buy these galvanized sheets today?



**Mr. S. C. Sen** (Bengal National Chamber of Commerce : Indian Commerce) : Therefore he is not handicapped.

**Mr. B. Das** : Therefore, the consumer is not at all handicapped. The other day, my Honourable friend, Raja Bahadur Krishnamachariar, accused me by saying that we are not thinking of the consumer and the masses. Sir, when we are thinking of the protection of industries, we must see that the protection is adequate or there should be no protection at all. Sir, I do not like the arguments that are so often trotted out that these schemes are in the interests of the consumers and that they are being benefited. If the consumers are benefited, it is the rich people who are the higher class consumers and they can easily afford to pay higher prices. On their behalf, I can assure the Government, we are willing to bear the extra cost ; but the Government are going to reduce the price of galvanized sheets, not so much in the interests of Tata's but to see that the British sheets so capture the market that the Tata's will never be able to expand their production of galvanized sheets. Sir, at no time can I visualise that India will be self-supporting in the matter of galvanized sheets. With these remarks I support the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

" That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (i), for the words and figures ' Rs. 11 per ton ; or 10 per cent. *ad valorem*, whichever is higher ' the words and figures ' Rs. 32 per ton ' be substituted."

The motion was negatived.

**Dr. Ziauddin Ahmad** : Sir, I beg to move :

" That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (ii), for the figures ' 32 ' the figures ' 23 ' be substituted."

Sir, I notice that on page 54 of the Tariff Board's report the price of non-British goods is given as 97 and the fair selling price is given as 122. So, I thought that the protection that was needed was just 23 after making allowance between excise and countervailing duties. If you analyse this thing on page 54 and also the previous columns on page 45 where the fair selling prices are given, then you will find that the fair selling price of the black sheets is 122 and there the continental price is given as 97. Therefore, the difference in this case is 23, as Rs. 2 will be the difference between excise duty and the extra duty put on, i.e., Rs. 6 per ton.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

" That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (ii), for the figures ' 32 ' the figures ' 23 ' be substituted."

**The Honourable Sir Joseph Bore** : Sir, a little while ago when I was dealing with one of my Honourable friend's typical amendments, I delivered a speech which I asked should be read as repeated on the occasion of all similar amendments. There is only one additional point that I would refer to here and that is that my Honourable friend has mixed up his figures. He stated that the fair selling price is 122 but if he will look at it carefully, he will find that this fair selling price is for Tatanagar, whereas in Table 23 the fair selling price for a port is given

and it is 129. There is, of course, this difference between this particular amendment of my Honourable friend and his previous amendments. There appears to be some logic about this, because it proceeds by transposing the digits while on a previous occasion a figure seemed to have been taken at random. To that extent, my Honourable friend is a little more scientific than he was on the previous occasion. I am afraid that I must oppose the amendment.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The question is :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (1) (ii), for the figures ‘ 32 ’ the figures ‘ 23 ’ be substituted.”

The motion was negatived:

**Mr. T. N. Ramakrishna Reddi** : Sir, I beg to move :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), for the words and figures ‘ Rs. 10 per ton ; or 10 per cent. *ad valorem*, whichever is higher ’ the words and figures ‘ Rs. 40 per ton ’ be substituted.”

Sir, this amendment refers to duties on galvanized sheets. My Honourable friend, the Finance Member, has been repeatedly opposing similar amendments by saying that they will break the consumer's back. Now, we are dealing with a protection Bill to a particular industry and necessarily when we impose any protective duty, it will raise the prices which the consumers will have to pay. Now, the one question which the House has got to decide is whether you are giving protection to the industry or not. If you decide that we are giving protection to an industry, then we must ask the next question ‘ what is the object of giving that protection ? ’ Is it because Government wants to give an instalment of protection so that the industry may be able to get along for a number of years without being able to stand on its own legs at any time or whether you are giving protection to that industry substantially so that within a definite specified time it might be able to stand on its own legs and may completely eliminate foreign competition and then lower the prices of the articles so that consumers may benefit ultimately ? That is the question we have to decide. Now, I am dealing with the particular question of galvanised sheets and I would request Honourable Members not to confuse this particular item with the other previous items that have already appeared. This item has been dealt with in a different fashion by the Tariff Board itself.

Sir, in arriving at the amount of protection that should be given to a particular article, the Tariff Board has uniformly adopted the orthodox method of calculating the fair selling price of the Indian article. They have then taken the landed price of the foreign article in the port of Bombay and then they have taken the difference between these two prices as the quantum of protection needed for that particular industry. But, with regard to galvanised sheets, they have deviated from that orthodox method. In the case of galvanised sheets they have adopted an entirely different method. That different method is that while they have taken the landed price of continental galvanized sheets that are imported into this country in 1933 for the purpose of calculation, they have not taken the value of the landed price of British galvanised sheets for the same period. They have stated as the reason for this differential calculation that the price of British galvanised sheets has been artificially raised on

[Mr. T. N. Ramakrishna Reddi.]

account of certain circumstances, that is the Ottawa Agreement. If Ottawa Agreement has intervened in 1933, there is absolutely no objection for the Tariff Board to take into consideration the value that existed before the Ottawa Agreement, that is in the first half of 1932 when only competitive prices were prevailing. That would have been a proper method of calculation. On the other hand, their object seems to be to give protection to the British galvanized sheets in preference not only to continental but also to home production. That point I will presently prove. At the time of the Ottawa Agreement in fixing the amount of protection that is necessary as against British galvanized sheets, the parties to the agreements stated that there should be preferential treatment to British galvanized sheets on account of two considerations. Those are, firstly, that Great Britain would import Indian pig iron duty free, and secondly, that Great Britain will allow Indian sheet bar to Great Britain duty free so that sheets might be made out of those bars and sent back to India. For these two considerations a lower rate of protection duty was allowed to British galvanized sheets. Before that Ottawa Agreement, in 1927, there was a uniform duty of Rs. 30 per ton on both British and Continental galvanized sheets. In 1930, the industry wanted further protection, because they could not stand the competition both of British as well as of the Continent. The Tariff Board enquired into the matter and gave further protection of Rs. 37 per ton and in 1930 the protection was Rs. 67 per ton both on the Continent as well as on the British galvanized sheets. In 1932 a surcharge of 25 per cent. was imposed on this duty. The result has been that the trade of Great Britain had considerably fallen and the value of the imported galvanised sheets fell from seven crores of rupees to one crore by the year 1932. Then came the Ottawa Agreement and, as I have just now explained, both parties had come to an agreement giving a preferential duty to British galvanized sheets. That preference is that if the United Kingdom sheets were manufactured from Indian sheets, the duty should be Rs. 30. If the sheets are made from British steel, the duty should be Rs. 53. As against the Continental galvanised sheets the duty was fixed at Rs. 83 per ton. Thus, for the first time, in the Ottawa Agreement these differential duties were introduced. We have to ask whether those considerations at present exist, that is to say whether those considerations still exist for continuing this advantage to the British galvanized sheets? With regard to sheet bars it has been found that it was no longer possible for the Indian industry to export sheet bar to England on account of the development in the capacity of producing sheets in Tata works, and also on account of the increased demand for billets by the re-rolling mills in India. For this reason, the Tatas are not in a position to send sheet bars to England. On the other end also the industry is not anxious to get sheet bar from India. They also wanted to stop this kind of importation of sheet bar from India. This is what the Tariff Board say on this point :

“ On the other hand the representatives of the British industry have informed us that for their part they have no particular reason to press for a renewal of this agreement.”

So, one consideration, out of these two considerations, has ceased to exist. Then with regard to the introduction of pig iron into the United Kingdom duty free. In 1932-33 before this facility was given, the imports into the United Kingdom of Indian pig iron was 75 thousand tons and after these facilities were given in 1933, the imports were only 93

thousand tons. On the other hand, the exports of pig iron to the other countries have enormously increased much more in proportion than what it has been in the case of the United Kingdom. So these considerations have not been of much benefit to the Indian industries, and, as my Honourable friend, Mr. Mudaliar, said that after all we gain very little by this exemption of duty on pig iron. According to him it is only one rupee per ton that we gain from these exports of pig iron to the United Kingdom. These two considerations do not exist now. What has been the position? On account of this preferential duty, the Continental sheets have been completely ousted and the United Kingdom goods have been dumped into this country. If the Continental sheets were imported at a lower value, it is because of many improvements in the steel industry that have been introduced in Belgium, France and Germany, and hence they are in a position to produce these sheets more economically. On the other hand, the United Kingdom has not been able to produce sheets economically and they want this prop from the Indian market to dump their goods into our market. (Applause.) What is the position at present with regard to the imports of galvanized sheets into India? It has been found that the total amount of consumption in India of galvanized sheets in 1933 was estimated at 115,000 to 120,000 tons. Now the Tatas have improved their plant enormously for the production of these galvanized sheets and a new unit has begun to work in 1933 and they are introducing another unit and it will begin working by the end of 1934. And then the total capacity of the plant for producing the sheets will be 20 to 25 thousand tons of black sheet and 90,000 tons of galvanized sheets. They are also contemplating to introduce another third unit. Now, Sir, out of 115,000 tons of the market that is obtaining for galvanized sheets in India, Tatas are in a position to supply 90,000 tons of the galvanized sheets and there are only about 25,000 tons left both for the United Kingdom and for the Continent. Hence, I do not see any reason why they should make this difference in the rates. On the other hand, if this difference is not made and with a little prop to the Tata's, they will be in a position to supply the entire requirements of Indian consumption.

Now, Sir, my Honourable friend has repeatedly said that we will be hitting hard the consumer if we put equal duties both on British as well as Continental steel. But what will be the effect? If you want to help the consumers you must reduce the duties both on the Continental as well as British galvanized sheets. It is only then that there will be competition and then the prices will necessarily go down. On the other hand, if you retain the heavier duty on the Continent, then the price of galvanized sheets in India will be governed by the price of the imports of foreign galvanized sheets. That will be the price, and then what will be the result? The result will be, that on account of the preference you are giving the British people, the difference between these two duties will go to the pockets of the British industrialists as bounty and that bounty has been calculated at 20 lakhs of rupees.

Then it is said that the agriculturists will greatly benefit. Sir, the less the present Government speak of benefiting the agriculturists the better. Sir, I am an agriculturist, I come from an agricultural family and I represent an agricultural constituency. Certainly, if there is to be any great benefit to be achieved for the agriculturists, I would be the first to vote for it. Sir, in my Presidency, it is a notorious fact that the price of

[Mr. T. N. Ramakrishna Reddi.]

rice has fallen considerably and we have been pressing Government, time after time, to take steps to raise the price and thus give a benefit to the agriculturists. Even to this day there is an export duty on the export of rice from India. When you have got competition on all sides, when every week Siamese rice is being dumped into the ports of India and when the prices of agricultural products have gone down, consequently the Government have not been able to take any steps to stop the imports of rice. Sir, it has been said that if we are able to raise the price of a maund of rice by one anna, that will add nine crores of rupees to the agricultural economy of India. But in spite of repeated requests they have not been doing anything in that direction. On the other hand they say that the agriculturists will benefit by this reduction. The reduction is itself problematical. On the other hand, as I already stated the other day, it is not the agriculturists but the industrialists who will benefit if there is to be any benefit at all. And, whatever extra money the industrialists pay for the galvanised sheets, it will go to the capital expenses of their industry. Sir, the consumer is prepared to help the industry by making some sacrifice so that it might stand on its own legs, and ultimately, dispense with this protection. For all these reasons, I do not see any reason why they should make this difference between British galvanised sheets and Continental galvanised sheets. I prefaced by saying that I would not have opposed it if it would not hit the Indian industry. Sir, the Honourable the Finance Member stated they were compelled to levy the excise duty on steel ingots on account of the anticipated fall of revenue on account of the preferential rate of duty proposed to British galvanised sheets : I submit that there will be absolutely no reason why you should impose an excise duty if you only equalise the import duties on all these imports of galvanised sheets. So, no case has been made out by Government for giving this preferential treatment to the galvanised sheets of the United Kingdom and of the Continental countries. Sir, I have great pleasure in moving this amendment which would equalise the duty. (Applause.)

**Mr. President** (The Honourable Sir Shanmukham Chetty) : Amendment moved :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (2) (i), for the words and figures ‘ Rs. 10 per ton ; or 10 per cent. *ad valorem*, whichever is higher ’ the words and figures ‘ Rs. 40 per ton ’ be substituted.”

**The Honourable Sir James Grigg** : Sir, I ask to be excused from following the last speaker into his disquisition on the subject of rice in Madras. I will only just say one word. In so far as I could follow his argument, it was that Government were extremely blameworthy for not having long ago imposed an anti-dumping duty on rice from Siam imported into Madras, but that when they imposed on Continental sheets an anti-dumping duty they were doing something outrageous and wicked. I do not follow the logic of these two conclusions. As a matter of fact, Sir, 9/10ths of the Honourable Member's speech would not have been made if he had listened to the explanation on the question of the landed price of British sheets which was given by my Honourable friend, the Commerce Member, yesterday. Mr. Reddi is proceeding on the assumption that in this Bill we are giving a preference to British sheets. The Commerce Member proved to the satisfaction of the Honourable Member who

first raised this question, also from Madras, that the minimum landed price, without duty, of British sheets was Rs. 160, so that no question of preference arises. The ordinary question of differential duties only is in question. So, with that preliminary, I come back to prove again that the proposal to equalise the duties on British and continental galvanised sheets will do a great deal of harm to the consumer. Incidentally, both the last speaker and Mr. Das seem to think that the consumer of the 150,000 tons of sheets, used every year, is entirely imaginary. But that they are consumed is undoubted ! The landed price, without duty of continental galvanised sheets, is Rs. 130 a ton. The Commerce Member proved quite conclusively that the landed price of British sheets without duty is Rs. 160 a ton. Tata's fair selling price is Rs. 170 a ton. Now the proposal is to put a duty of Rs. 40 a ton on British sheets. It raises the price of British sheets with duty paid to Rs. 200. Now, as Tata's can only supply a limited part of the Indian market, that means that the whole of the margin is handed over to the continental exporter, which means that the continental exporter, who has a landed price of Rs. 130 a ton and a duty of Rs. 40 a ton, will be able to raise his price from Rs. 170 to (say) Rs. 195. Tata's will also raise their price from Rs. 170 to Rs. 195. Therefore, on every ton of galvanised sheet consumed in India, the consumer will have to pay Rs. 25 a ton extra. That is the result of an ill-considered attempt to equalise the duties on British and continental sheets. Thus, it really becomes a question of cutting off your nose to spite your face—or rather cutting off the Indian consumers' nose to spite the British exporters' face. That seems to me to be extremely bad business, and, therefore, in the interests of the Indian consumer, not in the interests of the British exporter, the Government oppose this amendment.

**Dr. Ziauddin Ahmad :** Sir, my friend, Mr. Reddi, has drawn attention to a very important point about the connection between the price of rice and the consumption of galvanised sheets. Here, I notice, that in appendix 3 of the Report of the Tariff Board, they have given a graph and we find from that graph that the consumption of these sheets—which is given by the dotted line—always lies midway between the jute prices index and the cereal prices index. Therefore, the graph clearly shows that the consumption of these sheets is proportionate to the prices of these important articles—jute and cereals. As we have pointed out on the floor of the House, these sheets are used substantially in Eastern Bengal and Burma and in Bihar also, and the agriculturists can afford to buy if they can pay the price for these sheets ; and in the absence of cheap prices for these sheets, they will have to go without them and live in huts made of straw which are exceedingly inconvenient during the rains as well as during the winter and thus they suffer very much for want of these sheets. Therefore, in the interests of the people of India, and especially in these three Provinces, it is absolutely necessary that we should reduce the price of these sheets as much as possible. Hence, any attempt that may be made to raise the price of sheets, without correspondingly raising the prices of our agricultural produce, will be hitting the agriculturist exceedingly hard. The graph, which is put here, is a very remarkable graph and you will find that for the last several years consumption of these sheets lies just half-way between the prices of jute and the prices of cereals.

[Dr. Ziauddin Ahmad.]

The other thing that we notice is that the higher the prices of these sheets, the lower becomes the consumption—especially after the year 1929-30. The law of diminishing return has set in. This is a thing to which we have been repeatedly drawing attention, that it is doing a great injustice to the people of India, 70 per cent. of whom are agriculturists, if we raise the prices of manufactured articles without making any effort to raise the prices of agricultural products. This is a point which Mr. Reddi very much emphasised and it is clear from the graphs given at the end of this report. Therefore, if the Government desire to levy any duty on this article, in order to raise the price of this particular commodity, it is first and foremost their duty to raise the prices of agricultural products, because we find that their consumption is very much correlated to the prices of agricultural products. Therefore, this point which Mr. Reddi has just now raised is an exceedingly relevant point : that is, we must first think of wheat, we must first think of rice, we must first think of all these products before we can begin to think of these sheets.

The other point which I mentioned and which I would like to emphasise again is that this is an article not of luxury, but of necessity for the poorer people, because the richer people do not require these sheets for building their houses : they build their houses of bricks and stone : it is only the poorer people who have to build their houses with straw and to cover the houses with these sheets to protect them from rains and from cold.....

**Mr. Gaya Prasad Singh :** And from outbreaks of fire also.

**Dr. Ziauddin Ahmad :** Yes, that is very common to these houses.....

**An Honourable Member :** And from earthquakes.

**Dr. Ziauddin Ahmad :** My friend adds earthquakes : and I will add one or two other categories,—accidents, etc.....

**Raja Bahadur G. Krishnamachariar :** Straw houses are immune from earthquakes.

**Dr. Ziauddin Ahmad :** But, unfortunately, they are not immune from the other calamity, such as fire, and, therefore, these sheets are exceedingly important, and, I think, it ought to be the duty of every Government which looks after the interests of the people, to see that the prices of this commodity should be kept as low as possible. Though we may give to Tatas very large profits—amounting to four per cent. in some cases, I think, in this particular commodity, we should give them only ten per cent. profit on the working cost and this is quite enough. I appeal in the interests of those who cannot speak for themselves that, at least in this particular article, the Tatas should be given only ten per cent. as the manufacturing profit ; and if this principle is accepted, then the prices of these sheets will become low.

Coming now to galvanised sheets, the fair selling price is Rs. 159 per ton. But if we give them only ten per cent. profit, then the fair selling price will be reduced from 159 to 144 rupees. If we give them one rupee extra for additional profit to meet the so-called unforeseen emergency that might arise, that would come to Rs. 145, and, I think,

the Government should, in the interests of the poor people, fix the fair selling price at this figure, and not more. If we put the fair selling price at Rs. 145, I think it will be fair that we should regulate the customs duty and make it as low as possible in the interests of these consumers. With these observations, I oppose the motion.

**Mr. President** (The Honourable Sir Shanmukham Chetty) : The 6 P.M. question is :

“ That in the Schedule to the Bill, in the proposed Amendment No. 9, in the third column of Item No. 148 (a) (s) (t), for the words and figures ‘ Rs. 10 per ton ; or 10 per cent. *ad valorem*, whichever is higher ’ the words and figures ‘ Rs. 40 per ton ’ be substituted.”

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 23rd August, 1934.









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